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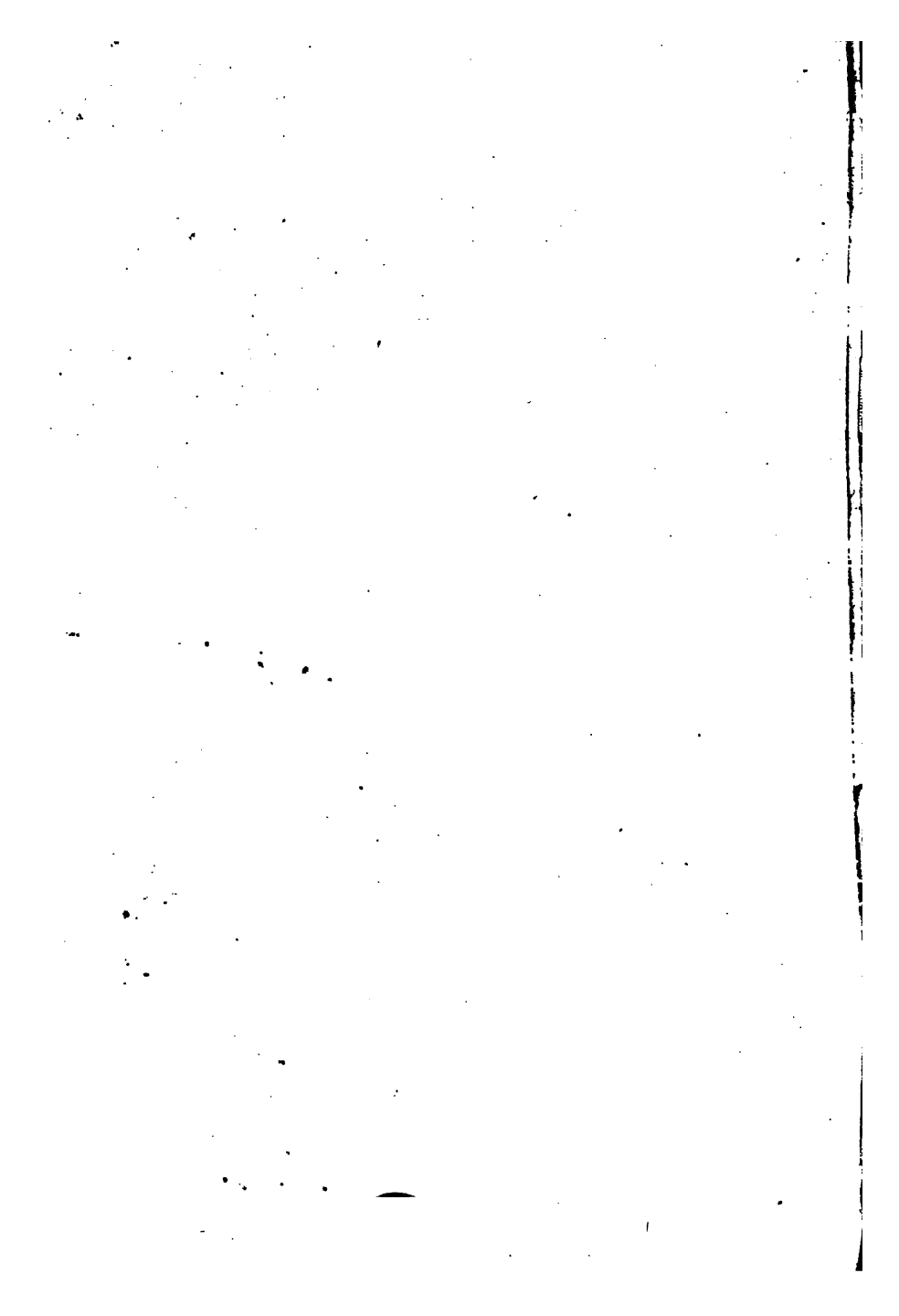
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AS TO  
**COPYHOLD ENFRANCHISEMENT**

UNDER  
**THE COPYHOLD ACT, 1894,**

CONTAINING THE TEXT OF THE ACT WITH EXPLANATORY  
NOTES, COMPARATIVE TABLES OF REPEALED STATUTES,  
MINUTES OF THE BOARD OF AGRICULTURE, SCALES  
OF COMPENSATION, NUMEROUS FORMS, AND  
A FULL ANALYTICAL INDEX.

BY  
**ARTHUR REGINALD RUDALL,**  
OF THE MIDDLE TEMPLE,

AND  
**JAMES WILLIAM GREIG, LL.B., B.A. LOND.,**

OF LINCOLN'S INN,  
AUTHORS OF A TREATISE ON THE LAW OF TRUSTS UNDER  
THE TRUSTEE ACT, 1893, &c.

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Ventr.	- -	Ventris' Reports.
Vern.	- -	Vernon's Reports.
Ves.	- -	Vesey's Reports.
W. N.	- -	Weekly Notes.
[1892] App. C.	- -	[1892] Appeal Cases (or as may be).
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 6 & 7 Vict. c. 23 (Copyhold Act, 1843), 37, 39, 43, 55, 58, 59, 64, 138.  
 7 & 8 Vict. c. 55 (Copyhold Act, 1844), 37, 40, 55, 64, 75.  
 11 & 12 Vict. c. 43 (Summary Jurisdiction Act, 1848), 75, 135.  
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- 23 & 24 Vict. c. 128 (Chancery Procedure Act, 1860), 114.  
24 & 25 Vict. c. 105 (Copyholds Act, 1861), 114.  
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38 & 39 Vict. c. 83 (Local Loans Act, 1875), 71.  
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44 & 45 Vict. c. 41 (Conveyancing Act, 1881), 55, 56, 62, 95, 100.  
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47 & 48 Vict. c. 43 (Summary Jurisdiction Act, 1884), 75.  
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54 & 55 Vict. c. 39 (Stamp Act, 1891), 97.  
56 & 57 Vict. c. 53 (Trustee Act, 1893), 68, 71.  
56 & 57 Vict. c. 61 (Public Authorities Protection Act, 1893), 133.

## INTRODUCTION.

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THE COPYHOLD ACT, 1894, is an example of the process of consolidation which is slowly, and very advantageously, reducing English Law, if not to a Code, at least to a System of Codified Statutes. The Act repeals a series of statutes ranging from 1841 to 1887, and re-enacts their provisions with clearness and accuracy, and freed from prolixity.

The Act is divided into Nine Parts :—

PART I. deals with the Right to Enfranchise.

PART II. deals with Voluntary Enfranchisement.

PART III. deals with the Effect of Enfranchisement.

PART IV. deals with the Consideration for and the Expenses of Enfranchisement.

PART V. contains the Administrative Provisions.

PART VI. deals with the Application of the Act to Special Manors.

PART VII. consolidates the Provisions of the Repealed Statutes as to the General Law of Copyholds.

PART VIII. contains the provisions relating to the powers given to the Board of Agriculture for carrying the Act into execution.

PART IX. contains the Definitions, Savings, and Repeal.

The Board of Agriculture is a Government Department created in 1889 by The Board of Agriculture Act, 1889, to take over the powers and duties formerly exercised by the Land Commissioners, the Inclosure Commissioners, and the Tithe Commissioners.

This book is an attempt to render consultation of the Act easy to those called on to work its provisions, and is on the same lines as a similar work by the present Authors on The Trustee Act, 1893. Copyhold tenure is undoubtedly gradually disappearing, and the consolidation of the intricate statutes dealing with enfranchisement will hasten this tendency.

The present Act does not provide for the extinction of Copyhold or Customary tenure by making enfranchisement compulsory on every admittance, but is compulsory merely in a modified form, leaving it to the option of the lord or of the tenant to require and compel enfranchisement.

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It is often urged that Copyholds and lands of Customary tenure should be converted once and for all by statutory enactment into freehold. But Copyhold or Customary tenure, based as it is upon immemorial usage and custom, is so firmly implanted in our system of real property law that to root it out by direct legislation would give rise to so much hardship and inconvenience, and would be so costly, that it is far preferable to leave its extinction to the gradual but certain operation of statutes such as this one.

In the language of a great authority on copyhold law, the principles on which "the doctrine of copyholds is founded were originally wise in themselves, but a system is frequently suffered to continue when its principles are disowned." The same authority continues, "The wisdom and expediency of a general law, to which all landed property should be alike subject, and the confusion and manifold evils which are inevitably attendant on a diversity of local customs, must be apparent to everyone. A nation can scarcely experience a greater curse than a complicated and discordant code." The statutes for the enfranchisement of copyholds were passed not long after the penning of the lines just quoted, and through their operation and that of the present Act, which consolidates them, this mode of tenure of land, smacking strongly of the feudal system, may

before long cease to exist; for, to quote again from the same authority, "the principles which originated in barbarism cannot meet the wants of an improved and refining age."

In Appendix III. will be found the Minute of the Board of Agriculture relating to Enfranchisements, as well as the Scale of Compensation and the Scale of Allowance to Valuers issued by the Board, and a reprint of the heads of information which the Board require to be supplied in all cases of statutory enfranchisement.

In the Forms given in Appendix IV. practitioners will, it is hoped, be able to find a precedent for practically every document necessary to effectuate an enfranchisement under the Act. These Forms (a list of which is given on pages vii to x, *ante*) comprise several which are not mentioned in the text. The list should be consulted whenever a precedent is required.

A. R. RUDALL.

J. W. GREIG.

3 NEW SQUARE, LINCOLN'S INN,

*January, 1895.*

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# THE COPYHOLD ACT, 1894.

(57 & 58 VICTORIA, CHAPTER 46.)

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## ARRANGEMENT OF SECTIONS.

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### PART I.

#### COMPULSORY ENFRANCHISEMENT.

##### *Right to Enfranchise.*

##### Section

1. Power to enfranchise copyholds.
2. Power to extinguish manorial incidents.
3. Fines &c. to be paid before enfranchisement.
4. Notice of desire to enfranchise.

##### *Compensation for Enfranchisement.*

5. Proceedings for ascertaining compensation.
6. Circumstances to be considered by valuers.
7. Duties of valuers.
8. Compensation to be a rentcharge in certain cases.
9. Steward's compensation.

##### *Award of Enfranchisement.*

10. Board to make award of enfranchisement.

PART I.—*continued.**Restrictions on Enfranchisement.*

## Section

11. Power for lord in certain cases to purchase tenant's interest.
  12. Power for Board to suspend enfranchisement in certain cases.
  13. Power for Board to continue conditions to user.
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## PART II.

## VOLUNTARY ENFRANCHISEMENT.

14. Power to effect voluntary enfranchisement.
  15. Consideration for voluntary enfranchisement.
  16. Voluntary enfranchisement to be by deed.
  17. Provisions for rentcharges under Act.
  18. Provisions where land is conveyed as consideration under this Part.
  19. Enfranchisement consideration to be a charge on land till paid.
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## PART III.

## EFFECT OF ENFRANCHISEMENT.

21. On enfranchisement land to become freehold.
  22. Exception for rights of common.
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  24. Power for tenant to grant easements to lord.
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## PART IV.

## PROVISIONS AS TO CONSIDERATION MONEY, EXPENSES, RENTCHARGES.

*Consideration Money.*

## Section

- 25. Power to give receipts.
- 26. Payment of enfranchisement money.

*Rentcharges.*

- 27. Payment of rentcharges under Act.
- 28. Apportionment of rentcharge.
- 29. Protection of lessees from liability to rentcharge.
- 30. Redemption of rentcharge.
- 31. Power to sell rentcharge.

*Application of Money to be paid under Act into Court or to Trustees.*

- 32. Payment of money into Court or to trustees.
- 33. Investment of money in Court or in hands of trustees.

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- 34. Expenses of dealings under Act, how borne.
- 35. Recovery of expenses.

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- 36. Charge for consideration money and expenses of tenant.
- 37. Charge for lord's expenses.
- 38. Charge for consideration money where tenant's title proves bad.
- 39. Charge for money paid by mortgagee.
- 40. Power to advance sums required for purposes of Act.
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## ADMINISTRATIVE PROVISIONS.

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## Section

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52. Boundaries.  
53. Power for Board to decide questions arising in enfranchisements.  
54. Power to call for production of documents and examine witnesses.  
55. Expenses of inquiries before Board.  
56. Power to transfer charges on manor to other land or stock.

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58. Stamp duty.  
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61. Execution of enfranchisement instrument to be conclusive of regularity of proceedings.  
62. Inspection of court rolls after enfranchisement.  
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65. Board to frame and circulate forms.  
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67. Proceedings under Act not to be quashed for want of form nor removed by certiorari.
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## APPLICATION OF ACT TO SPECIAL MANORS.

## Section

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72. Consent of ecclesiastical corporations &c. required to dealings with manors in which they are interested.
73. Notice to Ecclesiastical Commissioners in certain cases.
74. Enfranchisement money for use of spiritual person may be paid to Queen Anne's Bounty.
75. Application of enfranchisement money where enfranchisement might have been under 14 & 15 Vict. c. 104.
76. Enfranchisement money may be paid to official trustees of charitable funds on behalf of charity.
77. Enfranchisement money for use of corporation may be paid to trustees.
78. Provision for case of joint lords under 23 & 24 Vict. c. 59, s. 4.
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85. Surrenders &c. out of court to be entered on court rolls.
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## PART VIII.

## AUTHORITY FOR EXECUTION OF ACT.

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- 90. Board of Agriculture to make annual report.
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- 

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## SCHEDULES.

# THE COPYHOLD ACT, 1894.

(57 & 58 VICTORIA, CHAPTER 46.)

## An Act to Consolidate the Copyhold Acts.

[25th August, 1894.]

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

### PART I.

#### COMPULSORY ENFRANCHISEMENT.

##### *Right to Enfranchise.*

1. Where there is an admitted tenant of copyhold land, the lord or the tenant may, subject to the provisions of this Act, require and compel enfranchisement of the land. Power to enfranchise copyholds.

Provided that this section shall not apply where the tenant is admitted in respect of a mortgage and the mortgagee is not in possession.

*Section 1.*—This Section takes the place of the similar provisions contained in Section 1 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51), and Section 6 of The Copyhold Act, 1858 (21 & 22 Vict. c. 94), both of which Acts are repealed by the present Act (see Section 100, and the Third Schedule).

“Admitted tenant.”—For the meaning of the words “admittance”

and "tenant" see Section 94. Admittance under that Section is to include every licence of any assurance, and every ceremony, act, and assent, whereby the tenancy or holding of a tenant is perfected. An "admitted tenant" is therefore a tenant whose tenancy or holding has been perfected by admittance.

"Lord."—As to the meaning of this word see Section 94.

An admittance need not be in any particular form of words (Watkins on Copyholds, vol. 1, p. 327). The lord's saying to a surrenderee that he agrees to the surrender and that he shall be his tenant is a sufficient admittance before presentment and enrolment of the surrender (*Elkin v. Wastell*, 3 Bulst. 232; *Roswell v. Welsh*, *ib.* 219).

Admittance may be implied as well as expressed. For instance, the lord's acceptance of rent from a surrenderee, if expressly accepted from him as copyholder, is a good admittance (*Roswell v. Welsh*, *supra*). In like manner acceptance from the tenant of a fine or of fealty would amount to an admittance (*Elkin v. Wastell*, 3 Bulst. p. 239, *Gilb. Ten.* 283). And it has been said that should the lord or his steward swear the surrenderee on the homage it would probably amount to an admittance (4 Burr. 1955; *Roe dem. Noden v. Griffiths*, Arg.).

It is conceived, however, that a customary heir, although for many purposes considered as a tenant before admittance (see *Knight v. Bate*, *Cowp.* 741; *Watkins's Copyholds*, vol. 1, p. 303; *Braum's Case*, 4 *Coke's R.* 22b, and *Doe v. Hellier*, 3 *T. R.* 169), must be actually admitted before he can compel enfranchisement under the Act.

Any act of the lord showing that he acknowledges the heir as his tenant would be tantamount to admittance (see *Watkins's Copyholds*, Vol. 1, p. 306).

In the case of *Wilson v. Allen* (1 J. & W. 611) it was held that enfranchisement to an unadmitted heir under a statutory power to enfranchise was good. In that case the Act of Parliament, passed in 1784, for enlarging the market place and regulating the markets of the town of Sheffield, empowered the Earl of Surrey, who was owner of the market and lord of the manor of Sheffield and several other manors, by deed to be executed as mentioned in the Act, to enfranchise any messuages, lands, tenements, and hereditaments held of these manors unto the copyhold or customary tenant or tenants of such tenements. And it will therefore be observed that such Act extends to any copyhold or customary tenant of the manors to which the Act



has reference, but that the present Act only extends to admitted tenants.

"Land."—As to the meaning of the word "land" in Acts of Parliament see Section 3 of The Interpretation Act, 1888 (52 & 53 Vict. c. 63). And in this Act the expression "land" is to include an undivided share in land (see Section 94).

As to the duty of every steward of a manor on the admittance or enrolment of a tenant to give notice to such tenant of his right to obtain enfranchisement see Section 42. And as to the form of such notice see Sub-section 2 of that Section and the First Schedule to the Act (see Form 1, Appendix IV.).

"The tenant is admitted in respect of a mortgage."—A mortgagor of copyholds by conditional surrender continues legal tenant to the lord so long as the mortgagee remains unadmitted, and as the surrender is made in the case of a mortgage only as a security for the money advanced the admission is usually delayed. And when a copyholder agrees for value to mortgage his customary tenements he becomes a trustee for the mortgagee until the mortgage security be completed: that is until the mortgagee is admitted (*Martin v. Seamore*, 1 Ch. C. 170).

"Possession."—To entitle a mortgagee of copyholds, therefore, to compel enfranchisement, he must not only have been admitted, but he must also be in possession or in receipt of the rents and profits of the mortgaged property. See also Section 94 of the Act—the definition of the expression "tenant" (b).

As to the right of a mortgagee of copyholds to a charge on the mortgaged property for moneys paid by him in respect of an enfranchisement or redemption of a rentcharge on such property see Section 39.

It will be noticed that the Act does not provide for the extinction of copyhold tenure by making enfranchisement henceforth compulsory on every admittance, but is compulsory merely in a modified form, leaving it to the option of the lord or of the tenant to require and compel enfranchisement.

As to the effect of enfranchisement see *infra*, Sections 21, 22, and 23.

2. A lord or tenant of any land liable to any heriot, quit rent, free rent, or other manorial incident whatsoever, may require and compel the

Power to  
extinguish  
manorial  
incidents.

extinguishment of such rights or incidents affecting the land, and the release and enfranchisement of the land subject thereto, in like manner as nearly as possible as is provided by this Act with respect to the right to compel the enfranchisement of copyhold land and to the proceedings thereupon, and the provisions of this Act shall apply accordingly.

This Section takes the place of Section 7 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

The Section clearly extends to heriots &c. payable in respect of lands of freehold tenure, provided that such heriots &c. are manorial incidents.

"Heriot."—As to the origin of heriots see Co. Cop., Section 24 (2 Bl. Com. 97, 423, 424; 3 Bac. Abr. 485; and Watk. Cop. 98). And as to the meaning of the word see Co. Lit. 185b and Scriv. 5th ed. pp. 251, 252.

Heriots are sometimes found attached to freehold estates, though such freeholds are for the most part enfranchised copyholds, the heriot remaining after enfranchisement due by custom.

Heriots are of two kinds—heriot-service and heriot-custom: the former being due by reservation, express or implied (2 Saund. 166); the latter depending entirely upon immemorial usage and custom (Co. Cop., Section 24).

Heriot service is in the nature of a rent, and the original remedy was by distress, and such distress might be made of any goods upon the land even though they were the property of a stranger (*Major v. Brandwood*, Cro. Car. 260). This service also lies in prender as well as in render, and where the heriot is the tenant's best beast or best dead good the lord may seize because the election is in him, and by the seizing thereof the lord reduces that into possession wherein he had a property at the death of the tenant (3 Bac. Abr. 491). But the lord can only seize the proper beast or good of the tenant (*ibid.*).

Although heriot service is, strictly speaking, referable only to ancient tenure, yet a heriot may be reserved on the grant of a term of years, for a heriot is in effect a rent in retribution for the land granted (*Drake v. Munday*, Cro. Car. 207; *Inchiquin v. Burnell*, 3 Ridgw. P. C. 426; and 3 Bac. Abr. 486). But a heriot reserved on a demise, or, as it is sometimes called, a "suit heriot," partakes strictly

of the nature of a rent, so that the lord cannot seize, but must either distrain or bring an action for nonpayment or render (Scriv., 5th ed. p. 256; *Parker v. Gage*, 1 Show, 81).

It is, however, conceived that a heriot reserved on a demise not being a manorial incident is not within the section.

Heriots due by custom are the most frequent, and arise by implied contract and agreement of the lord and tenant in consideration of some benefit or advantage accruing to the tenant. But though a custom that the lord should have a heriot of his tenant who dies is good, still a custom or prescription to have a heriot of every stranger dying within the manor is void, because it cannot have a reasonable commencement between the lord and the stranger.

A heriot nominally consists of the best heriot, or of the best inanimate chattel of the tenant, or it may consist of a sum of money. But where it is a chattel it must always be a personal chattel: it cannot be a chattel real, or a thing in action (2 Bl. Com. 424).

With regard to freeholds subject to heriots, it may be observed that where the original grant was of the freehold the heriot usually consists of a sum of money.

As a heriot reserved on a particular grant or lease rests merely on the agreement of the contracting parties, it may be reserved on any particular event; but when a heriot is claimed by custom, it can only be so on the death of the tenant or on alienation (see *Parkin v. Radcliff*, *Bosanquet & Puller*, C. P. p. 288).

In the case of both heriot-service and heriot-custom the lord may seize either within the manor or without, or bring trover or detinue against the person esloigning or detaining the heriot, for it becomes vested in the lord immediately upon death or alienation as the case may be.

A heriot is not due on the death of a *cestui que trust*, for it is not the *cestui que trust*, but the trustee, who is tenant to the lord (*Trinity College, Cambridge*, v. *Browne*, 1 Vern. 441; and *Car v. Ellison*, 3 Atk. at p. 77).

Formerly it was held that on the death of a *feme covert* the lord could have no heriot, as the *feme covert* could have no personal chattels. But this reasoning would not, it is conceived, now hold good, having regard to the provisions of The Married Women's Property Act, 1882 (45 & 46 Vict. c. 75).

As to the extinguishment of heriots by the lord purchasing parcel of the tenancy see 3 Bac. Abr. 488.

If tenant by heriot-service alien part of the tenancy, the alienee shall hold by a distinct heriot-service, for in such case the service, being entire, shall multiply (3 Bac. Abr. 488; Bruerton's Case, Plow. 240*b*).

"Quit rent."—The term "quit rent" or "free rent" is in strictness only applicable to a rent reserved in lieu of all services, because then the tenant in respect of it is quit or free from other services. But "quit rent" now usually includes rents of assize, chief rents, and other services of a like nature (Com. Dig. Rent, C. 2).

Such rents are now found almost only in manors, and are frequently payable both by freeholders and copyholders.

For form of Notice requiring extinguishment of Heriots &c. see Form 2, Appendix IV.

Fines &c. to  
be paid  
before  
enfran-  
chisement.

3. A tenant shall not be entitled to require an enfranchisement of any land under this Act until after payment or tender—

- (a) In case the land is copyhold and an admittance thereto has not been made since the thirtieth day of June, One thousand eight hundred and fifty-three, of such fine and of the value of such heriot (if any) as would become payable in the event of admittance on alienation subsequent to that day, and of two-thirds of such sum as the steward would have been entitled to in respect of the admittance; and
- (b) In case the land is freehold (including customary freehold) and subject to heriots and no heriot has become due or payable since the thirtieth day of June, One thousand eight hundred and fifty-three, of the value of such heriot (if any) as would become payable in the event of an admittance or enrolment on alienation, subsequent to that day, and of two-thirds of such sum as the steward would have

been entitled to for fees in respect of the alienation or admittance or enrolment; and

- (c) In every other case, of all fines and fees consequent on the last admittance to the land.

*Section 3.*—This Section substantially takes the place of the similar provisions made by Section 1 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51), Section 6 of The Copyhold Act, 1858 (21 & 22 Vict. c. 94), and Section 9 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73): these Acts being wholly repealed by the present Act (see Section 100 and the Third Schedule to the Act).

*Section 3, Sub-section (a).*—The payment or tender here referred to must, it is conceived, be made in the case of a tenant admitted before the 30th day of June, 1853, requiring enfranchisement, even though such tenant had on admittance paid all fines and dues to which he was liable.

*Sub-section (b).*—So it is conceived in the case of a tenant of freehold or customary freehold land subject to heriots, the value of the heriot and the proportion of steward's fees mentioned in this Sub-section must be paid or tendered, if the alienation to the tenant requiring enfranchisement was perfected before the 30th day of June, 1853 notwithstanding that such tenant had delivered and paid the customary heriot and fees due and payable in respect of such alienation.

"Customary freehold."—If lands are held by copy of Court Roll, though not "at the will of the lord," they are sometimes called customary freehold, though they are in fact but a superior kind of copyhold, and the freehold is in the lord, and they are subject to the general law of copyholds, save in so far as such law is varied by the custom of the particular manor (*Brown v. Rawlins*, 7 East. 409; *Stephenson v. Hill*, 3 Burr. 1278; and *Doe v. Danvers*, 7 East. 299).

In some manors customary estates are transferable by deed and admittance, in others by deed or surrender in the alternative, and in some by surrender and admittance as in the case of ordinary copyholds. But if admittance be not essential, yet if the tenant's estate in the land be in reality inalienable without the lord's licence, the lands are virtually copyholds, and the freehold is in the lord (*Watk. Cop.*, vol. 1, p. 58; *Doe v. Danvers*, *supra*).

By the local customs of particular places as distinguished from the customs of a particular manor certain ceremonies may be required to the perfection of common law deeds, and other badges of servile tenure may be annexed to the enjoyment of freehold lands. But unless the lands are parcel of a manor and held of the same, the freehold is considered to be in the tenant, and lands of this description are no doubt properly denominated customary freeholds (Watk. Cop., vol. 1, pp. 58, 59 n.).

Where lands pass by ordinary common law assurance without any necessity for admittance or enrolment and are alienable without licence, the freehold is in the tenant, and they are subject to the ordinary law with regard to freeholds, notwithstanding that a heriot or quit rent in respect of such lands may be payable to some mesne lord, the reservation of the heriot or quit being usually referable by prescription or otherwise to a grant made before the Statute of Quia Emptores (18 Edw. I., Statute 1).

Notice of  
desire to  
enfranchise.

4. A lord or tenant who requires enfranchisement under this Act must give notice in writing, the lord to the tenant or the tenant to the lord, as the case may be, of his desire to have the land enfranchised.

*Section 4.*—This Section takes the place of a provision to the like effect contained in Section 8 of The Copyhold Act, 1858 (21 & 22 Vict. c. 94).

For the form of such notice see Form 3, Appendix IV.

As to the mode in which notices under this Act must be given see Section 57, *infra*.

#### *Compensation for Enfranchisement.*

Proceedings  
for ascer-  
taining  
compensation.

5. (1) When a notice requiring an enfranchisement has been given under this Act, the compensation for the enfranchisement shall be ascertained in accordance with the provisions of this section.

(2) The lord and the tenant may—

(a) Determine the amount of the compensation by agreement in writing; or

- (b) Agree in writing that the Board of Agriculture shall determine the amount; or
- (c) Appoint a valuer or valuers to determine the amount.

Provided that—

- (i.) If the compensation is not otherwise determined, it shall be ascertained under the direction of the Board, on a valuation made by a valuer or valuers appointed by the lord and tenant; but
  - (ii.) If the manorial rights to be compensated consist only of heriots, rents, and licences at fixed rates to demise or to fell timber, or of any of these, or the land to be enfranchised is not rated for the relief of the poor at a greater amount than the net annual value of thirty pounds, the valuation shall be made by a valuer to be appointed by the justices at petty sessions holden for the division or place in which the manor or the greater part of it is situate, unless either party to the enfranchisement gives notice that he desires the valuation to be made by a valuer or valuers appointed by the lord and tenant, in which case he shall pay the additional expenses caused by that mode of valuation.
- (3) When a valuer is appointed by justices, a justice who is a lord of the manor shall not take any part in the appointment.
- (4) When the valuation is to be by a valuer or valuers appointed by the lord and tenant—
- (a) The lord and the tenant may each appoint one valuer :

- (b) They may appoint one and the same person :
  - (c) If either the lord or the tenant does not appoint a valuer within twenty-eight days after notice has been given to him by the other party to do so, or within such further time (if any) as the Board of Agriculture by order allow, the Board shall appoint a valuer for him :
  - (d) The appointment of a valuer by either party cannot be revoked, except with the consent of the other party :
  - (e) Where there are two valuers they shall, before proceeding with the valuation, appoint an umpire :
  - (f) If they do not within fourteen days after their appointment appoint an umpire, the Board of Agriculture shall appoint an umpire for them.
- (5) The Board of Agriculture may, on the application of either the lord or the tenant, remove a valuer or umpire for misconduct or for refusal or omission to act.
- (6) If a valuer or umpire dies, or becomes incapable, or refuses to act, or is removed, another valuer or umpire, as the case may be, shall, within a time to be fixed by the Board of Agriculture, be appointed in his place by the person and in the manner provided by this section with regard to the valuer or umpire in whose place he is appointed, and in default by the Board. A valuer or umpire appointed under this provision may adopt and act upon any valuation or proceeding agreed on or completed by the valuer or valuers or umpire previously acting.



(7) Before a valuer or umpire enters on his valuation he shall, in the presence of a justice of the peace, make and subscribe a declaration in the form mentioned in that behalf in the First Schedule to this Act.

(8) The declaration made by a valuer or umpire must be annexed to the valuation.

(9) If a valuer or umpire having made a declaration under this section wilfully acts contrary thereto he shall be guilty of a misdemeanor.

*Sections 5 to 9 deal with the compensation to be paid for enfranchisement and the manner in which it is to be ascertained.*

*Section 5 (1) and (2).—This portion of Section 5 reproduces Sections 3 and 43 of 50 & 51 Vict. c. 73 (The Copyhold Act, 1887).*

The Section offers alternative modes of ascertaining the compensation: they are the following:—

- (a) Amount may be determined by agreement between the lord and tenant. See Form 4, Appendix IV.
- (b) Amount may be determined by Board of Agriculture by virtue of the lord and tenant agreeing to accept their decision. See Form 5, Appendix IV., and note to Section 90.
- (c) Amount may be determined by valuers appointed by the lord and tenant. See Forms 7 and 8, Appendix IV.
- (d) In certain cases amount may be determined by a valuer appointed by the justices at the petty sessions holden for the division in which the manor is situate.

The adoption of either the first or the second alternative must be evidenced by writing. Should no written agreement have been made with reference to the ascertainment of the compensation, there is power to the Board of Agriculture to direct that it be ascertained by valuers appointed by the lord and tenant.

The proviso contained in (ii.) is important, for in the cases therein mentioned the compensation is to be ascertained by a valuer appointed by the justices at petty sessions for the division wherein the manor is situate.

This takes the place of Section 8 of 21 & 22 Vict. c. 94, and Section 10 of 50 & 51 Vict. c. 73.

These cases are—

If the manorial rights to be compensated consist only of—

- (a) Heriots;
- (b) Rents;
- (c) Licences at fixed rates to demise, or
- (d) Licences at fixed rates to fell timber; or
- (e) The land is not rated for the relief of the poor at a greater amount than the net annual value of thirty pounds.

Heriots are the only rights to be compensated in cases where there have been other incidents of copyhold which have in course of time disappeared. (See note to Section 2, *supra*.)

It is to be observed that Sub-section (ii.) applies to cases where the rights to be compensated consist of one or more of the matters mentioned therein.

“Licences at fixed rates to demise.”—These fixed rates are usually so much for each house, or acre of land, for each year of the term of the intended lease.

- (3) *When a valuer is appointed by justices, a justice who is a lord of the manor shall not take any part in the appointment.*

The appointment would be void *ab initio* if the lord of the manor intervened in any way in the appointment.

This takes the place of 21 & 22 Vict. c. 94, Section 8.

As will be seen, there is a proviso at the end of Sub-section 2 which permits *either* the landlord or the tenant to give a notice (preferably in writing) that he desires the valuation to be by a valuer appointed by the lord and tenant: In this case the person giving the notice has to pay the additional expense caused by that method of valuation. See Form 6, Appendix IV.

This takes the place of 50 & 51 Vict. c. 73, Section 10 (b).

(4) *Sub-section 4 deals with the mode of appointing valuers by the landlord and tenant.* It is to be observed that should either party prove recalcitrant, and omit to appoint for a longer period than twenty-eight days after notice so to do, the other party can set the Board of Agriculture in motion, and they will appoint. The Section takes the place of 21 & 22 Vict. c. 94, Section 10 (b); 21 & 22 Vict. c. 94, Section 8; 50 & 51 Vict. c. 73, Section 10 (a); 21 & 22 Vict. c. 94, Sections 8 and 9; and 15 & 16 Vict. c. 51, Section 3. There must be an umpire, appointed by the two valuers. This takes the place of 21 & 22 Vict. c. 94, Section 8. See Forms 9 and 10, Appendix IV.

*Sub-section 5.*—The reasons for which the Board of Agriculture

can remove a valuer or umpire, whether appointed by themselves or the parties, are—

- (i.) Misconduct;
- (ii.) Refusal to act;
- (iii.) Omission to act.

This takes the place of 15 & 16 Vict. c. 51, Section 3. See Form 11, Appendix IV.

In the case of a vacancy the same person has the right of supplying it who has the original right of appointment, or in default then the Board of Agriculture; and provision is made for the work done by the previous valuers or umpire not being thrown away, as the newly appointed ones may "adopt and act upon any valuation or proceeding agreed on or completed" by the previously acting valuers and umpires.

This takes the place of 50 & 51 Vict. c. 73, Section 12. See Form 12, Appendix IV.

*Sub-section 7.*—The declaration is in these terms :—

I, A.B., declare that I will faithfully, to the best of my ability, value, hear, and determine the matters referred to me under The Copyhold Act, 1894.

(Signed) A.B.

Made and subscribed in the presence of  
day of 189 . this

This declaration must (Sub-section 8) be annexed to the valuation when made.

It is a misdemeanor for a valuer to wilfully act contrary to the declaration.

This Sub-section takes the place of 15 & 16 Vict. c. 51, Section 28.

Under Section 66 of the present Act the Board of Agriculture is directed to frame and publish a scale of allowance to valuers for their services under the Act. For this scale see note to Section 66, and Appendix III.

6. (1) In making a valuation for the purpose of ascertaining the compensation for a compulsory enfranchisement under this Act, the valuers shall take into account and make due allowance for the facilities for improvements, customs of the manor, fines, heriots, reliefs, quit rents, chief rents, forfeitures, and all other incidents whatsoever of

Circumstances to be considered by valuers.

copyhold or customary tenure, and all other circumstances affecting or relating to the land included in the enfranchisement, and all advantages to arise therefrom.

Provided that they shall not take into account or allow for the value of escheats.

(2) The value of the matters to be taken into account in the valuation shall be calculated as at the date of the notice to enfranchise.

*Section 6.*—This Section takes the place of 15 & 16 Vict. c. 51, Section 16, and 50 & 51 Vict. c. 73, Section 5. The circumstances which the valuers have to take into account in ascertaining the compensation to be assessed are very comprehensive, as will be seen from the following enumeration:—

- (i.) The facilities for improvements.
- (ii.) Customs of the manor.
- (iii.) Fines.
- (iv.) Heriots.
- (v.) Reliefs.
- (vi.) Quit rents.
- (vii.) Chief rents.
- (viii.) Forfeitures.
- (ix.) All other incidents whatsoever of copyhold or customary tenure.
- (x.) All other circumstances affecting or relating to the land included in the enfranchisement.
- (xi.) All advantages to arise from the enfranchisement.

But the value of escheats is expressly excluded. The date at which the value is to be taken is that of the notice. The value of the escheats not only is not to be allowed, it is not even to be taken into account, the lord's right to an escheat being preserved. See Section 21, Sub-section 1 (b).

By Section 66 of the present Act the Board of Agriculture is directed to frame and publish a scale of compensation for the enfranchisement of land from the various rights and incidents dealt with by this Act. For this scale see Appendix III. hereto, and note to Section 66, *infra*.

The case of *Lingwood v. Gyde* (2 L. R. C. P. 72) raised the

question what is meant by the words "facilities for improvement" and the subsequent expressions "all other circumstances affecting or relating to the land included in the enfranchisement" and "all advantages to arise therefrom." It was contended on the part of the lord in that case that if the tenement of a copyholder was increased in value by building upon it, or by other improvement, the lord's estate or interest therein, contingent upon the tenement falling into his possession by escheat or forfeiture, was by those acts also improved and increased in value; and, further, that in the event of a copyhold tenement being divided, leases of the divided portions of the tenement would be increased in number, and that an additional benefit or improvement of his estate would accrue to the lord by reason of the additional sums payable to him on the grant of leases, and that in respect of the above-mentioned particulars he was entitled to compensation as for facilities for improvement.

The compensation claimed by the lord was for facilities for improvement, for his freehold interest in the soil, and for relieving the property from all copyhold incidents attached to copyhold in bare tenure. Shortly, the case for the lord was, that if the land would be capable of improvement after enfranchisement in a way which would be impossible if it continued copyhold, the lord was entitled to share in such prospective advantage as a facility for improvement.

The judges decided that if by reason of the enfranchisement the tenant was in a condition to avail himself of the land in a more beneficial manner than before, he had gained an advantage, derived from having got rid of the dominion of the lord, and that the valuer could take that into account. The case also lays down the principle that the *amount* of the compensation is a question of fact for the valuer, and depends upon the extent to which the value of the property is in the particular case increased by the removal of such restrictions.

The case is valuable as showing exhaustively the principles which should guide valuers.

In the case of *Brabant v. Wilson* (L. R. 1 Q. B. 44) the lord of the manor of H. had, with the consent of the homage, granted a piece of the waste of the manor to C., to be held by Copy of Court Roll, on condition that no buildings should be erected or trees or shrubs planted on the same, and reserving power to the lord and to certain copyholders to enter and remove any buildings erected or trees planted thereon. The reservation to the copyholders was without consideration. C. assigned the piece of land to B., and B. gave to the lord a notice of his wish to

enfranchise. It was held that after the enfranchisement B. would have an estate of freehold discharged from the condition, and that the lord was, therefore, entitled to equivalent compensation. The lord was the only person who could enforce the restrictions; the enfranchisement would benefit and free the estate from all restrictions; and the tenant ought to pay the lord a competent sum for the acquisition.

In *Arden v. Wilson* (7 L. R. C. P. 537) the Court commented on *Lingwood v. Gyde*, cited above, and said it was satisfied that in that case the Court did not lay down, and never intended to lay down, that the power of converting the property into building land is to be taken into account, *even though the land cannot immediately be made available for that purpose*. The gist of the decision is that the value of the facilities for improvements is to be taken as diminished by the difficulties *de facto* existing in consequence of the state of the title to the land.

*Reynolds v. The Lord of the Manor of Woodham Walter* (7 L. R. C. P. 639) raised questions relating to compensation for timber, and incidentally decided that where there is a question whether a special custom exists in a manor, it is the province of the Commissioners (now the Board of Agriculture) to determine as a question of fact whether the evidence proves the existence of the custom; the Court can only decide whether there is evidence. *Lowther v. Caledonian Railway Company* (1892, 1 Ch. 73) is a case which shows on what basis enfranchisement can be carried out when effected in pursuance of The Lands Clauses Consolidation Act, 1845.

Duties of  
valuers.

7. (1) Valuers appointed for the purpose of ascertaining the compensation for a compulsory enfranchisement shall determine the value of the matters to be taken into account in the valuation at a gross sum of money.

(2) If the valuers do not agree as to the compensation, or any point arising in the valuation, the valuers or either of them may refer the whole matter or the point in dispute to the umpire.

(3) The valuers shall give their decision within forty-two days after their appointment, or within such further time, if any, as the Board of Agriculture by order allow.

(4) If the valuers do not give their decision within the time allowed by or in pursuance of this Act, and do not refer the matter to the umpire, the Board of Agriculture may direct the umpire to act as valuer.

(5) The umpire shall give his decision on any matter referred to him within forty-two days after the matter is referred to him.

(6) The valuers or umpire shall make their decision in such form as the Board of Agriculture direct, and shall deliver the same with the details thereof to the Board, and shall also deliver copies of their decisions to the lord or to the tenant.

(7) If, in the opinion of the Board, the valuation is imperfect or erroneous, they may remit it to the valuers or umpire, as the case may be, for reconsideration or correction.

(8) If either—

(a) The valuers do not give their decision within the time allowed to them by or in pursuance of this Act, and the valuation is not referred to the umpire, either by the valuers or either of them or by the direction of the Board: or

(b) The umpire does not give his decision within the time allowed to him by or in pursuance of this Act: or

(c) The valuers or the umpire do not, when a decision is remitted to them by the Board for reconsideration or correction, amend it to the satisfaction of the Board,

the compensation shall be determined by the Board after due notice to the lord and tenant.

(9) Where the compensation is determined by

the Board they shall take such proceedings and make such inquiries as they think necessary for the purpose, and shall take into consideration all matters which valuers are bound to take into consideration on a valuation under this Act, and shall communicate the result in writing to the lord and to the tenant, and shall fix a time within which any objection to their determination may be signified to them in writing by the lord or tenant, and shall consider every objection properly made and if necessary alter their determination accordingly.

*Section 7, Sub-section 1.*—The compensation is to be a gross sum of money, and is to be paid as such (see Section 8, Sub-section 2), except in the cases provided by Section 8, Sub-section 1 (a) and (b), when a rentcharge will be created to provide four per cent. on the amount so determined as compensation.

This takes the place of 50 & 51 Vict. c. 73, Section 11.

*Sub-section 2.*—The valuers are empowered to *refer the matter or the point in dispute* to the umpire.

This takes the place of 21 and 22 Vict. c. 94, Section 8, and 50 & 51 Vict. c. 73, Section 10 (d).

*Sub-sections 3, 4, and 5.*—Forty-two days from the day of appointment or of reference of a matter to the umpire the decision has to be given. If they omit to do so, the Board of Agriculture may make one: Sub-section 8 (a), (b), and (c). For Forms of Decision by Valuers or Umpire see Forms 13 and 14, Appendix IV.

*Sub-section 6.*—It will be observed that copies of the decision are to be delivered *to the lord or to the tenant*. The Act does not require both parties to have copies delivered to them.

These Sub-sections take the place of 21 & 22 Vict. c. 94, Sections 8 and 9; 50 & 51 Vict. c. 73, Section 10 (c); 21 & 22 Vict. c. 94, Section 8; 50 & 51 Vict. c. 73, Section 10 (c).

*Sub-section 7* gives the Board full power to remit the decision back where they consider it imperfect or erroneous.

This takes the place of 50 & 51 Vict. c. 73, Section 11.—Reg. v. The Land Commissioners of England, 23 Q. B. D. 59, and note to Sub-section 8 (c).



*Sub-section 8.*—This Sub-section takes the place of 21 & 22 Vict. c. 94, Section 8, and 50 & 51 Vict. c. 73, Sections 10 (c) and 11.

*Sub-section 8 (c).*—In *Reg. v. The Land Commissioners of England*, where, on a valuation of manorial rights under the Copyhold Act of 1887, it appeared to the Commissioners that the valuation was erroneous in amount, they remitted it to the valuer, who refused to amend. The Commissioners thereupon proceeded to consider the circumstances, with a view to themselves determining the value. It was decided that they were acting within their jurisdiction in so proceeding to determine the value of the rights, as the authority given them by the statute (and presumably by the present one too) applies where, in their opinion, the valuation is erroneous in amount.

The Board are in fact the judges whether the valuation is “imperfect or erroneous,” and whether that error or imperfection arise from a wrong conclusion on a right principle, or from applying wrong principles.

*Sub-section 9.*—This Sub-section takes the place of 50 & 51 Vict. c. 73, Sections 11 and 43.

- 8.** (1) In either of the following cases, namely—
- (a) Where the enfranchisement is at the instance of the lord; or
  - (b) Where the land can, in the opinion of the Board of Agriculture, be sufficiently identified, and the compensation amounts to more than one year's improved value of the land,

Compensation to be a rentcharge in certain cases.

unless the parties otherwise agree, or the tenant within ten days after the receipt by him of the draft of the proposed award of enfranchisement gives to the Board notice in writing that he desires to pay the compensation in a gross sum, the compensation shall be an annual rentcharge, commencing from the date of the notice to enfranchise and issuing out of the land enfranchised, equivalent to interest at the rate of four per cent. per annum on the amount of the compensation.

(2) Except where it is provided by this section that the compensation shall be charged by way of rentcharge, the compensation shall be paid in a gross sum before the completion of the enfranchisement.

*Section 8.*—This Section takes the place of 50 & 51 Vict. c. 73, Sections 13 and 14. Shortly, the effect of this Section is that as a rule the compensation has to be paid as a gross sum before the completion of the enfranchisement; but in the absence of

(a) Agreement, or

(b) Notice in writing to the Board by the tenant that he desires to pay a gross sum,

the compensation is to be an annual rentcharge equivalent to interest at the rate of Four per cent. per annum on the amount of the compensation. See Form 15, Appendix IV.

Steward's  
compensation.

9. On a compulsory enfranchisement the tenant shall pay to the steward the compensation mentioned in the Second Schedule to this Act.

*Section 9.*—This Section takes the place of 4 & 5 Vict. c. 35, Section 77, and 50 & 51 Vict. c. 73, Section 27.

The Scale contained in the Second Schedule is as follows:—

When the consideration for the enfranchisement—

	£	s.	d.
Does not exceed £1 ... ..	0	5	0
Exceeds £1 but does not exceed £5 ... ..	0	10	0
" £5     "     "     £10 ... ..	1	0	0
" £10   "     "     £15 ... ..	2	0	0
" £15   "     "     £20 ... ..	3	0	0
" £20   "     "     £25 ... ..	4	0	0
" £25   "     "     £50 ... ..	6	0	0
" £50   "     "     £100 ... ..	7	0	0
For every additional £50 or fractional part of £50 over and above the first £100 ... ..	0	10	0

The compensation to be exclusive of stamps and paper or parchment, or map or plan, which are to be paid by the tenant.

*Award of Enfranchisement.*

10. (1) When the compensation for a compulsory enfranchisement has been ascertained under the provisions of this Act, the Board of Agriculture, having made such inquiries as they think proper, and having considered any applications made to them by the parties, may make in such form as they provide an award of enfranchisement on the basis of the compensation, and may confirm the award.

Board to  
make award  
of enfranchisement.

(2) The award shall state whether the compensation is a gross sum or a rentcharge, and the amount thereof, and where it is a rentcharge shall make the land subject thereto and chargeable therewith.

(3) The Board shall fourteen days before confirming the award send to the tenant and to the steward, unless the proposed award has been already perused by them respectively, a copy of the proposed award.

(4) Where the compensation is a gross sum the award shall not be confirmed until the receipt of the person entitled to receive the compensation has been produced to the Board.

(5) The Board shall send a copy of the confirmed award sealed or stamped with the seal of the Board to the lord, and the lord shall cause the copy to be entered in the court rolls of the manor.

(6) The date at which a compulsory enfranchisement shall take effect may be fixed by the confirmation of the award of enfranchisement, and if not so fixed, shall be the date of the confirmation of the award.

*Section 10.*—This Section takes the place of Sections 10 and 12 of 21 & 22 Vict. c. 94, and Sections 22 and 43 of 50 & 51 Vict. c. 73.

*Sub-section 1.*—For Form of Award see Form 16, Appendix IV.

The inquiries herein referred to are those mentioned in Section 7, Sub-section 9.

The applications referred to would include applications for further time to appoint a valuer, or applications for the removal of a valuer for any cause.

*Sub-section 2.*—As to whether the compensation shall be a gross sum or a rentcharge see *ante*, Section 8 and notes thereto, and see also Sections 27 to 31, *infra*.

*Sub-section 3.*—The delay of 14 days necessarily intervening between the making of the award and its confirmation is important in view of the decision in *Myers v. Hodgson* (L. R. 1 C. P. D. p. 609, and see *infra*, note to Sub-section 6).

*Sub-section 4.*—For Form of this Receipt see Form 17, Appendix IV.

*Sub-section 5.*—The copy of the award has to be entered in the Court Rolls of the manor.

*Sub-section 6.*—The date of confirmation of the award becomes, in the absence of any direction to a different effect in the award, the date at which the compulsory enfranchisement takes place. This date becomes of importance should the tenant die before confirmation, since it has been decided in *Myers v. Hodgson* (1 C. P. D. p. 609), under the former Acts—and doubtless the decision would apply to this Act—that where a tenant died after proceedings instituted by him for a compulsory enfranchisement, and before the confirmation by the Commissioners (in the case of the present Act it would be the Board of Agriculture), the lord was entitled to have a new tenant on the roll, and to a fine for his admittance. But it was also decided that the proceedings did not abate by the death of the first tenant, but could be continued upon the old notice and valuation.

It seems clear that this Sub-section will be held to have the same effect as Section 11 of 15 & 16 Vict. c. 51, which, though repealed by Section 2 of 21 & 22 Vict. c. 94, has been held still applicable by virtue of Section 10 of the latter Act. The Sub-section 6 now under discussion takes the place of Section 10 of 21 & 22 Vict. c. 94, and therefore will no doubt be held to have the same effect as Section 11 of 15 & 16 Vict. c. 51.

*Restrictions on Enfranchisement.*

11. (1) Where a notice requiring the enfranchisement of any land under this Act is given by the tenant, and the lord shows to the satisfaction of the Board of Agriculture that any change in the condition of the land which but for the enfranchisement would or might be prevented by the incidents or conditions of the tenure of the land, will prejudicially affect the enjoyment or value of the mansion house, park, gardens, or pleasure grounds of the lord, the lord may give to the tenant notice in writing that he offers to purchase the tenant's interest in the land.

Power for lord in certain cases to purchase tenant's interest.

(2) If the tenant accepts the offer he shall do so by sending to the Board, within twenty-eight days after he has received notice of the offer, notice in writing of his acceptance, and thereupon the offer and the acceptance shall be binding on the lord and the tenant.

(3) If the tenant does not accept the offer the enfranchisement shall not take place unless the Board think fit to impose such terms and conditions as are in their opinion sufficient to protect the interests of the lord.

(4) Where a purchase is being made under this section, if the consideration for the purchase is not within a time allowed by the Board settled by agreement between the lord and the tenant, the Board may appoint a valuer to ascertain the value of the tenant's interest, or may refer it to the valuers, if any, acting in the enfranchisement.

(5) When the value of the tenant's interest has been agreed on or ascertained, the Board shall

issue, under their seal, a certificate which shall define the land included in the purchase, and shall state the consideration for the purchase, and fix a time for the payment of the consideration.

(6) On the payment of the consideration the tenant shall execute a conveyance of his interest in the land to the lord in such form as the Board direct, and on the execution of the conveyance the land shall vest in the lord accordingly.

(7) If the consideration is not paid within the time fixed by the certificate, or such further time as the Board allow, and the Board are of opinion that the nonpayment arises from the default of the lord, they may cancel the certificate, and thereupon the enfranchisement shall be proceeded with (but subject to the provisions of this section as to expenses) as if this section had not been passed.

(8) Where a purchase is made under this section all the costs of the valuation and all the expenses attending the purchase, including the expenses of the conveyance, shall be paid by the lord.

(9) Where a purchase is, by the default of the lord, not completed, all expenses which the Board certify to have been incurred by the tenant in consequence of the offer, acceptance, and default shall be paid by the lord to the tenant.

*Section 11.*—This Section takes the place of Section 25 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51).

The object of this Section is to give to lords facilities for purchasing their tenants' interests in cases where a tenant requires enfranchisement under the Act, and such enfranchisement, by removing restrictions of tenure as to the user of the land to be enfranchised, would prejudicially affect the enjoyment or value of the mansion house, park, gardens, or pleasure grounds of the lord.

A purchase of the tenant's interest may be effected under this

Section notwithstanding that the lord has only a limited interest in the manor or is a trustee (see Sections 43 and 44, *infra*).

Where a lord purchases a tenant's interest under this Section he may charge the land purchased, the manor and any land settled therewith to the same uses, with the purchase money and the expenses of the purchase (see Sub-section 3 of Section 36, *infra*).

For Forms of Application to the Board of Agriculture by the lord, of Offer to purchase by the lord, of Acceptance of offer by the tenant, of Agreement as to Value, and of Surrender, see Forms 18 to 22, Appendix IV.

See also Section 13 of this Act, providing that where the tenant was admitted subject to any condition affecting the user of the land, and imposed for the benefit of the public or of the other tenants of the manor, the Board may, if of opinion that special hardship or injustice would result if the land were released from the condition, continue the condition by the Award.

**12. (1)** The Board of Agriculture may suspend any proceedings for a compulsory enfranchisement under this Act where any peculiar circumstances make it impossible, in their opinion, to decide on the prospective value of the land proposed to be enfranchised, or where any special hardship or injustice would unavoidably result from compulsory enfranchisement.

Power for Board to suspend enfranchisement in certain cases.

**(2)** Where the Board suspend a proposed enfranchisement under this section they shall state their reasons for doing so in their annual report which is by this Act directed to be laid before Parliament.

*Section 12.*—This Section takes the place of Section 35 of The Copyhold Act, 1858 (15 & 16 Vict. c. 51).

*Sub-section 1.*—"Prospective value of the land proposed to be enfranchised."—The prospective value is, it is conceived, the value of the land, having regard to the possibility of the land being applied in the future to purposes more advantageous than those to which it is applied at the time of the proposed enfranchisement (*Lingwood v. Gyde*, 2 L.R.C.P. 72, and *Arden v. Wilson*, 7 L.R.C.P. 535, p. 545).

The provision made by this Sub-section is particularly applicable to cases where the land proposed to be enfranchised is capable of improvement by being applied to building purposes, but there are impediments in the way of its being presently used for those purposes (see *Arden v. Wilson*, *supra*).

Where the fine is a fine certain and of small amount the prospective value of the property is, it is conceived, immaterial.

The question whether in any particular case there is or is not any special hardship or injustice must involve the determination of many questions of fact, and is in itself a determination of an inferential fact and not of a proposition or point of law (*Reynolds v. Lord of the Manor of Woodham Walter*, 7 L. R. C. P. 639, p. 649).

Compulsory enfranchisement at the instance of the lord would no doubt press hardly upon a tenant for life who by the custom of the manor has to pay the full fine on admission and whose only benefit from the property is the annual income. But it is, however, doubtful whether the Board of Agriculture would consider that those circumstances constituted such a case of hardship as would enable them under this section to suspend proceedings for a compulsory enfranchisement (see *Reynolds v. Lord of the Manor of Woodham Walter*, *supra*, at pp. 649, 650).

There is also hardship in the case of compulsory enfranchisement at the instance of the lord where the land to be enfranchised is heavily mortgaged, and the interest on the mortgage money practically absorbs the rents; for it must be borne in mind that, where the fine payable in respect of the copyhold is arbitrary, the annual rentcharge awarded on an enfranchisement would probably amount to a fifth of the annual value of the tenement. For Form of Application to Suspend see Form 23, Appendix IV.

*Sub-section 2.*—"Annual Report."—As to this see Section 90, *infra*.

Power for Board to continue conditions to user.

**13.** On a compulsory enfranchisement under this Act, in any case where the tenant was admitted subject to any condition affecting the user of the land and imposed for the benefit of the public or of the other tenants of the manor, and in the opinion of the Board of Agriculture some special hardship or injustice would result if the land were released



from the condition, the Board may continue and give effect to the condition by the award of enfranchisement.

*Section 13.*—This Section takes the place of Section 8 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

The effect of enfranchisement would be to discharge the copyhold land from conditions of the kind referred to in this Section (*Brabant v. Wilson*, 1 L.R.Q.B. 44; and see *Richards v. Harper*, 1 L.R. Exch. 199).

The admittance to which the Section has reference is an admittance on grant by the lord.

## PART II.

## VOLUNTARY ENFRANCHISEMENT.

Power to  
effect  
voluntary  
enfranchi-  
sement.

**14.** (1) The lord of any manor may with the consent of the Board of Agriculture enfranchise any land held of the manor, and any tenant may with the consent of the Board accept an enfranchisement of his land.

(2) The enfranchisement may be on such terms as, subject to the provisions of this Act, are settled by agreement between the lord and the tenant.

(3) If the estate of the lord or of the tenant parties to the enfranchisement is less than an estate in fee simple in possession or corresponding copyhold or customary estate, and the tenant has not paid the whole of the cost of enfranchisement, the lord or tenant respectively shall give notice in writing of the proposed enfranchisement to the person entitled to the next estate of inheritance in remainder or reversion in the manor or land to be affected by the enfranchisement.

*Section 14.*—This Section takes the place of Section 56 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35).

Sections 14 to 20 deal with voluntary enfranchisement under the Act, and the mode in which it may be carried out.

Voluntary enfranchisement may of course be made irrespective of the Act by a conveyance by the lord to the tenant of the freehold of the particular tenement held by copy, or by a release to the tenant of the lord's seignorial rights; but in such case the lord, in order to enfranchise absolutely, must be in a position to pass the fee simple of the freehold interest either by reason of his having it vested in him or of his having power over it for the purpose of enfranchisement (see *Watk. Cop.*, 4th ed., vol. 1, pp. 435, 436).

And where such an enfranchisement is made to a copyholder having only a partial estate in the lands to be enfranchised the enfranchisement is absolute, and the copyhold tenure is extinct for ever. But the enfranchisement enures for the benefit of those in remainder, who would have taken the copyhold interest had the enfranchisement never taken place, as well as for that of the particular tenant, and a court of equity would accordingly direct a conveyance from the heirs at law of the particular tenant to him in remainder on his paying a proportionate part of the consideration advanced for the enfranchisement (see *Wilson v. Allen*, 1 Jac. & W. 621; *Challener & Marshall*, 2 Ves. 524; and *Watk. Cop.*, 4th ed., vol. 1, pp. 437, 438).

But the powers given by this Act may be exercised with the consent of the Board of Agriculture irrespective of either the lord or the tenant having but a particular estate or being a trustee (see Sections 43 and 44, *infra*).

By The Settled Land Act, 1882 (45 & 46 Vict. c. 38), a tenant for life of a manor may enfranchise any freehold or copyhold or customary tenement held of the manor by selling the seignory or the freehold and inheritance to the tenant, with or without any exception of mines or minerals, or of any rights or powers relative to mining purposes. And (Section 3, Sub-section ii.) such an enfranchisement may be made with or without a re-grant of any right of common, or other right, easement, or privilege theretofore appendant or appurtenant to or held with the land-enfranchised tenement (Section 4, Sub-section 7). And the general provisions of that Act with reference to sales apply to the case of enfranchisement.

And by the same Act capital moneys under a settlement may be applied in enfranchising freehold or copyhold tenements comprised in the settlement (Section 21 (v) and Section 33). And money may be raised by mortgage for the purpose of enfranchising settled land (Section 18). For the form of such a mortgage see *Key & Elphinstone's* *Precedents in Conveyancing*, 4th ed., vol. 2, p. 104.

*Sub-section 2.*—The terms of the agreement must, however, meet with the approval of the Board of Agriculture (see Section 16, *infra*).

*Sub-section 3.*—"The tenant has not paid the whole of the cost of enfranchisement."—It is conceived that this means out of his own proper moneys, and not out of moneys raised, under Section 36, by charge on the lands to be enfranchised.

For Forms of Application to the Board of Agriculture, of Agreement between lord and tenant for enfranchisement, and of Notice to person entitled to next estate of inheritance, see Forms 24 to 26, Appendix IV.

Consideration for voluntary enfranchisement.

**15.** (1) The consideration for a voluntary enfranchisement under this Act may be either—

- (a) a gross sum payable at once or at any time fixed by the agreement; or
- (b) a rentcharge charged on and issuing out of the land enfranchised; or
- (c) a conveyance of land or of a right to mines or minerals; or
- (d) a conveyance of a right to waste in lands belonging to the manor,

or may be provided partly in one and partly in another or others of those ways.

(2) Land or a right to mines or minerals subject to the same or corresponding uses and trusts with the land enfranchised may be conveyed as consideration under this section.

(3) Where the estate of the lord is less than an estate in fee simple in possession, and land not parcel of the manor, or a right to mines or minerals not in or under the land enfranchised, is conveyed as consideration under this section, the land or right must be convenient in the opinion of the Board of Agriculture to be held with the manor, and must be settled to uses or on trusts identical with or corresponding to those to or on which the manor is held.

*Section 15.*—This Section takes the place of the following Sections of the repealed Acts: namely, Section 56 of The Copyhold Act, 1841 (4 & 5

Vict. c. 35); Section 1 of The Copyhold Act, 1843 (6 & 7 Vict. c. 23); and Section 5 of The Copyhold Act, 1844 (7 & 8 Vict. c. 55).

*Sub-section 1—*

- (b) As to rentcharges see Sections 27 to 31, *infra*.
- (c) For Form of Conveyance in consideration of land, or a right to mines or minerals, see Form 27, Appendix IV.

Where the land to be enfranchised is under settlement the consideration may consist of other land, or a right to mines or minerals comprised in the settlement (see Sub-section 2).

And where land or a right to mines or minerals forms the consideration for an enfranchisement it is not necessary that the land should be parcel of the manor, or that the mines or minerals should be situated in or under the land enfranchised.

(d) "Right to waste."—As, for instance, a right to dig for marl, gravel, or stones in the lord's waste.

16. (1) A voluntary enfranchisement under this Act may be effected with the consent of the Board of Agriculture by such a deed as would be proper on an enfranchisement by a lord seised of the manor for an absolute estate in fee simple in possession.

Voluntary enfranchisement to be by deed.

(2) Where any person is entitled to notice of the proposed enfranchisement, the assent or dissent or acquiescence of that person in respect of the enfranchisement may be stated in writing to the Board of Agriculture, when the enfranchisement deed is sent to them for confirmation. If any dissent in writing has been expressed, the Board shall withhold their consent to the deed until they have made further inquiries, and are satisfied that the agreement is not fairly open to objection.

(3) The Board may in every case cause any such further notices to be given and inquiries to be made as they think proper, before consenting to the enfranchisement deed.

*Section 16.*—This Section takes the place of Sections 56 and 57 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35).

*Sub-section 1.*—For the Form of an Enfranchisement Deed where the lord is seised in fee simple see Form 28, Appendix IV.

*Sub-section 2.*—“Notice of the proposed enfranchisement.”—For the Form of the Notice referred to see Form 29, Appendix IV.

Provisions  
for rent-  
charges  
under Act.

**17.** Where any part of the consideration for a voluntary enfranchisement under this Act is a rentcharge,—

(1) The rentcharge may be—

(a) a fixed annual sum, or

(b) where it exceeds the sum of twenty shillings, an annual sum varying with the price of corn and calculated upon the same averages and variable in like manner as a tithe commutation rentcharge; and

(2) The rentcharge may be made subject to an increase or diminution to be stated in the enfranchisement agreement, or afterwards fixed by valuers in any event which is provided for by the agreement; and

(3) The tenant may grant the rentcharge by deed to the lord and his heirs to the uses, on the trusts, and subject to the powers and provisions subsisting at the date of the enfranchisement with respect to the manor of which the land enfranchised is held; and

(4) The rentcharge may be charged on all or any part of the land enfranchised.

*Section 17.*—This Section takes the place of the following Sections of the repealed Acts: namely, Section 1 and 2 of The Copyhold Act,

1843 (6 & 7 Vict. c. 23) ; Section 41 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51) ; and Section 11 of The Copyhold Act, 1858 (21 & 22 Vict. c. 94).

*Sub-section 1 (b).*—"Tithe commutation rentcharge."—See 6 & 7 Wm. IV. c. 71, Section 57 ; 3 & 4 Vict. c. 15, Section 20 ; and 45 & 46 Vict. c. 37, Section 10.

*Sub-section 3.*—It is conceived that a grant to the lord and his heirs in the terms of this Sub-section would be sufficient, notwithstanding that the manor was in settlement, and that there were existing trustees of the settlement. For the Form of a Grant of a Rentcharge under this Sub-section see Form 30, Appendix IV.

**18.** Where any part of the consideration for an enfranchisement under this Act is the conveyance of land or of a right to mines or minerals, or of a right to waste, the tenant may convey the land or right to the lord and his heirs to the uses, on the trusts, and subject to the powers and provisions subsisting at the date of the enfranchisement in respect of the manor of which the land enfranchised is held.

Provisions where land is conveyed as consideration under this Part.

*Section 18.*—This Section takes the place of Section 3 of The Copyhold Act, 1843 (6 & 7 Vict. c. 23).

For the Form of a Conveyance under this Section see Form 31, Appendix IV.

**19. (1)** Where a voluntary enfranchisement is effected under this Act, the land enfranchised shall be charged with every sum payable to the lord in respect of the enfranchisement, with interest thereon from the day fixed by the enfranchisement deed for payment thereof until payment thereof.

Enfranchisement consideration to be a charge on land till paid.

**(2)** The lord shall be deemed to be seised of the land subject to a charge under this section as mortgagee in fee, and may distrain on the land for any

interest due in respect of the charge as if it were rent in arrear.

(3) A charge under this section shall be a first charge on the land subject thereto, and shall have priority over all incumbrances whatsoever affecting the land (except tithe rentcharge and any charge having priority by statute), notwithstanding that those incumbrances are prior in date.

*Section 19.*—This Section takes the place of Section 81 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35), and Section 4 of The Copyhold Act, 1844 (7 & 8 Vict. c. 55).

And see Sections 70 & 71 of The Copyhold Act, 1841.

*Sub-section 3.*—“Any charge having priority by statute.”—As, for instance, a rentcharge payable under The Improvement of Land Act, 1864 (27 & 28 Vict. c. 114).

Commence-  
ment of  
enfran-  
chisement.

**20.** The date at which a voluntary enfranchisement under this Act shall take effect, and the commencement of a rentcharge in consideration of a voluntary enfranchisement under this Act, may be fixed by the memorandum of confirmation of the enfranchisement deed, and if not so fixed shall be the date of the confirmation of the deed by the Board of Agriculture.

*Section 20.*—This Section takes the place of Section 18 of The Copyhold Act, 1858 (21 & 22 Vict. c. 94).



## PART III.

## EFFECT OF ENFRANCHISEMENT.

**21.** (1) When an enfranchisement is made under this Act the following provisions shall, from and after the time when the enfranchisement takes effect, apply with respect to the land enfranchised :—

On enfranchisement land to become freehold.

- (a) The land shall be of freehold tenure ;
- (b) The lord shall be entitled, in case of an escheat for want of heirs, to the same right as he would have had if the land had not been enfranchised ;
- (c) The land shall not be subject to the custom of borough English, or of gavelkind, or to any other customary mode of descent, or to any custom relating to dower or freebench or tenancy by the curtesy, or to any other custom whatsoever, but shall be subject to the same laws relating to descents, and dower, and curtesy as are applicable to land held in free and common socage :

Provided as follows :—

- (i.) Nothing in this section shall affect the custom of gavelkind in the county of Kent ;
- (ii.) Nothing in this section contained with respect to dower, freebench, or curtesy shall apply to any person married before the date at which the enfranchisement takes effect ;

- (d) The land shall be held under the same title as that under which it was held at the date at which the enfranchisement takes effect, and shall not be subject to any estate, right, charge, or interest affecting the manor;
- (e) Every mortgage of the copyhold estate in the land shall become a mortgage of the freehold for a corresponding estate, but subject to any charge having priority thereof by virtue of this Act.

(2) An enfranchisement shall not, except as in this Act mentioned, affect the rights or interests of any person in the land enfranchised under a will, settlement, mortgage, or otherwise, but those rights and interests shall continue to attach upon the land enfranchised in the same way as nearly as may be as if the freehold had been comprised in the instrument or disposition under which that person claims.

(3) Where land is, at the date at which the enfranchisement thereof under this Act takes effect, subject to any subsisting lease or demise, the freehold into which the copyhold estate is converted shall be the reversion immediately expectant on the lease or demise, and the rents and services reserved and made payable on, and the conditions in, or in respect of, the lease or demise, shall be incident and annexed to the reversion, and the covenants or agreements, expressed or implied, on the part of the lessor and lessee respectively shall run with the land and with the reversion respectively, and the enfranchisement shall not affect any right of distress, entry, or action accruing in respect of the lease or demise.

*Section 21.*—This Section takes the place of the following Sections in the repealed Acts:—

Sub-section 1 (a) is substituted for 4 & 5 Vict. c. 35, Section 81.

Sub-section 1 (b) for 50 & 51 Vict. c. 73, Section 4.

Sub-section 1 (c) for 15 & 16 Vict. c. 51, Section 34.

Sub-section 1 (d) for 4 & 5 Vict. c. 35, Section 64.

Sub-section 1 (e) for 4 & 5 Vict. c. 35, Section 81.

Sub-section 2 takes the place of 4 & 5 Vict. c. 35, Section 81, and 15 & 16 Vict. c. 51, Section 46; and Sub-section 3 takes the place of 6 & 7 Vict. c. 23, Section 10; 15 & 16 Vict. c. 51, Section 44; and 50 & 51 Vict. c. 73, Section 41.

*Sub-section 1 (a).*—The term here used, “land ... of freehold tenure,” is varied in Sub-section 1 (c) by using the expression “land held in free and common socage.” The effect of Section 21 is that land enfranchised under the Act becomes of freehold tenure except when it is situated in Kent, and which, while still copyhold, was subject to the custom of gavelkind. In such a case the effect of proviso (i.) to Sub-section 1 appears to be that the land would still be subject to gavelkind tenure after enfranchisement. It may be noted in passing that, according to eminent authorities, all lands in England were at one time of gavelkind tenure (see Scriven, p. 36), which, more correctly described, is socage tenure subject to the custom of gavelkind (Williams, *Principles of the Law of Real Property*, 12th ed. p. 128).

*“From and after the time when the enfranchisement takes effect.”*

The date at which a *voluntary enfranchisement* takes place is fixed by Section 20 as being the date “fixed by the memorandum of confirmation of the enfranchisement deed, and if not so fixed shall be the date of the confirmation of the deed by the Board of Agriculture.”

The date at which a *compulsory enfranchisement* takes effect by Section 10, Sub-section 6, is the date “fixed by the confirmation of the award of enfranchisement, and if not so fixed, shall be the date of the confirmation of the award.”

Socage tenure is defined by Littleton (*Littleton's Tenures*, Section 117) as follows:—“Tenure in Socage is where the tenant holdeth of his lord the tenancy by certain service for all manner of services, so that the service be not knight's service. As where a man holdeth his land of his lord by fealty and certain rent for all manner of services; or else where a man holdeth his land by homage, fealty, and certain rent for

all manner of services; or where a man holdeth his land by homage and fealty for all manner of services: for homage by itself maketh not knight's service." Gradually in socage tenure, when no rent was payable and no value attached to the service, there being no motive for keeping up the empty ceremony of fealty, the relation of lord and tenant became in many cases altogether obliterated. "Finally, when all the valuable incidents attaching to knight service were abolished, and the tenure itself converted into socage by the Statute of Charles (12 Car. II. c. 24), the relation between the freeholder and his lord fell into abeyance, and the freeholder became for all practical purposes owner of the soil. Thus at the present day in the great majority of cases no intermediate lord is recognised between the freeholder and the Crown, except where the freehold is within the known precincts of a manor, and the relation between the freeholder and the lord of the manor has been kept up by the recognition of mutual rights and duties, such as payment of rent, or rendering heriots or other duties to the lord." (Digby, History of the Law of Real Property, 2nd ed. p. 201.)

The incidents of freehold tenure as it now exists are a small occasional *quit rent*, with its accompanying *relief*; suit of the Court Baron (if any such exist); an oath of *fealty*, never exacted; and a right of escheat, seldom accruing now (Williams, Principles of the Law of Real Property, 12th ed. p. 127).

*Sub-section 1 (b).*—This Sub-section preserves the right of the lord to an escheat for want of heirs &c. By Section 6 (1) valuers are not to take into account or allow for the value of escheats: hence this Sub-section 1 (b) of Section 21 guards the lord's rights in this particular.

The Crown is in most cases entitled under escheat for want of heirs; but where there was a lord of a manor who could prove that the estate so terminated was held of him, he, and not the Crown, would be entitled. As this is so in the case of copyholds not holden of the Crown as lord, the lord of the particular manor will still have his existing rights under an escheat, even though the land is enfranchised. But the lord is not in every case entitled to an escheat. So where the *cestuis que trust* vanish, and the trustee is still a tenant upon the court rolls, the trustee has a right to hold as against the lord, because the lord cannot interfere with the trusts or inquire about the trusts in any way whatever (Gallard v. Hawkins, 27 C. D. 298).

*Sub-section 1 (c).*—This Sub-section definitely destroys, as to enfranchised land—

- (i.) The custom of borough English: i.e., a socage tenure in which the estate descends to the youngest son in exclusion of the other children.
- (ii.) Gavelkind. See note to Sub-section 1 (a).
- (iii.) Any other customary mode of descent.
- (iv.) Any custom relating to dower, freebench, or tenancy by the curtesy.
- (v.) Any other custom whatsoever.

*“Nothing in this Section shall affect the custom of gavelkind in the county of Kent.”*

This has been dealt with above, in the note to Sub-section 1 (a).

It may be added that disgavelling land is only possible by Act of Parliament.

*Sub-section 1 (d).*—The land enfranchised remains subject to the same title as it was held previous to the enfranchisement, but no estate, right, charge, or interest which affects the *manor* of which the copyhold was held is to affect in any way the enfranchised property. For a case where a voluntary enfranchisement (not under the Copyhold Acts) was held to effect a disentailment see *Ex parte School Board for London, in re Hart* (41 C. D. 547). *Tilbury v. Silva* (45 C. D. 98) is a case relating to the effect of an enfranchisement on a right to piscary. (See note to Section 22, under head “Common of piscary,” page 47, *infra*, and note to Section 23, under “Piscaries,” page 50).

*Sub-section 1 (e).*—“Every mortgage of the copyhold estate in the land shall become a mortgage of the freehold for a corresponding estate, but subject to any charge having priority thereof by virtue of this Act.”

The proviso at the end is intended to cover the Section 27 (c), under which a rentcharge created as consideration for enfranchisement under the Act becomes, “a first charge on the land charged therewith,..... [with] priority over all incumbrances affecting the land except tithe rentcharge and any charge having priority by statute, notwithstanding those incumbrances are prior in date”; and Section 36 (7).

*Sub-section 2.*—The words in this Section, “under a will, settlement, mortgage, or otherwise,” mean a will, settlement, mortgage, or other transaction affecting the previous copyhold interest.

Exception  
for rights  
of common.

**22.** An enfranchisement under this Act shall not deprive a tenant of any commonable right to which he is entitled in respect of the land enfranchised, but where any such right exists in respect of any land at the date of the enfranchisement thereof it shall continue attached to the land notwithstanding the land has become freehold.

*Section 22.*—This Section takes the place of The Copyhold Act, 1841 (4 & 5 Vict. c. 85), Section 81, and The Copyhold Act, 1852 (15 & 16 Vict. c. 51), Section 25.

The enfranchisement of a copyhold as a rule extinguishes a right of common. So in the ordinary case where a right of common is annexed to a copyhold, and the lord grants the land to the copyholder and his heirs, with the appurtenances, the common is extinguished, because it is annexed to the customary estate, which has been converted into a freehold, and the right of common has thus disappeared (*Marshall v. Hunter*, Cro. Jac. 253). But when an enfranchisement has been effected under this Act, the attached right still continues for the benefit of the freehold.

Commonable rights are usually one or other of the following :—

1. Common of pasture;
2. Common of turbary;
3. Common of estovers;
4. Common of piscary; and
5. Commonable right of taking sand, gravel, stone, &c.

Copyholders may claim commonable rights by custom (*Warwick v. Queen's College*, L. R. 6 Ch. p. 716); but mere occupiers of lands under copyholders cannot (*Austin v. Amhurst*, 7 C. D. p. 689).

*Common of pasture.*

Common of pasture can be appendant, appurtenant, or in gross, the last being annexed to a man's person, and therefore immaterial to be further discussed here. As to common appurtenant of pasture, a copyholder cannot claim it without stint, but it must be limited to cattle levant and couchant on the tenement to which it is attached, or the number must be ascertained by the Court Rolls, or in some other way (*Morley v. Clifford*, 20 C. D. 753).

*Common of turbary.*

A custom for all the customary tenants of a manor, having gardens,

to dig turf on the waste for making garden plots at all times of the year, and in such quantity as occasion required, is bad in law, as being indefinite, uncertain, and destructive of the common (*Wilson v. Willes*, 7 East, 121).

*Common of piscary.*

A common of fishery may be claimed by tenants of a manor only by custom, because it is a profit in *alieno solo* (*Tilbury v. Silva*, 45 C. D. 115). See the note on this case in notes to Section 23, page 50, *infra*, under "*Piscaries*".

*Other commonable rights.*

Copyholders have been held entitled by custom to take sand and gravel from the waste of a manor (*Peppin v. Shakespear*, 6 T. R. 748), and also loam for repair of ancient tenements (*Robertson v. Hartopp*, 43 C. D. 514), and also clay (*Salisbury v. Gladstone*, 9 H. L. C. 692).

In *Robertson v. Hartopp* (*ubi supra*) the freehold, customary freehold, and copyhold tenants of the manor were shown to be entitled to a right of common of estovers, a right of common of turbary, and a right to dig loam as above mentioned.

Though before enfranchisement it is perfectly competent for one copyholder to sue on behalf of himself and the other copyholders to restrain an infringement by the lord of a right of common, or to establish it, yet, as after enfranchisement the right becomes a statutory one, and several, so far as the enfranchised copyhold is concerned, he can it is conceived sue *alone*, which the unenfranchised copyholder cannot (*Phillips v. Hudson*, 2 L. R. Ch. 243). The enfranchised copyholder could not sue as a copyholder, as he is no longer one: the right he sets up is a right reserved to him by statute.

As to "*the date of the enfranchisement*" mentioned in this Section see Section 10 (6) as to compulsory enfranchisement, and Section 20 as to a voluntary one.

**23. (1)** An enfranchisement under this Act shall not without the express consent in writing of the lord or tenant respectively affect the estate or right of the lord or tenant in or to any mines, minerals, limestone, lime, clay, stone, gravel, pits, or quarries, whether in or under the land enfranchised or not, or any right of entry, right of way and search, or other easement of the lord or tenant in,

Exception  
for mines  
and other  
rights,

on, through, over, or under any land, or any powers which in respect of property in the soil might but for the enfranchisement have been exercised for the purpose of enabling the lord or tenant, their or his agents, workmen, or assigns, more effectually to search for, win, and work any mines, minerals, pits, or quarries, or to remove and carry away any minerals, limestone, lime, stones, clay, gravel, or other substances had or gotten therefrom, or the rights, franchises, royalties, or privileges of the lord in respect of any fairs, markets, rights of chase or warren, piscaries, or other rights of hunting, shooting, fishing, fowling, or otherwise taking game, fish, or fowl.

Provided that the owner of the land so enfranchised shall, notwithstanding any reservation of mines or minerals in this Act or in the instrument of enfranchisement, but without prejudice to the rights to any mines or minerals, or the right to work or carry away the same, have full power to disturb or remove the soil so far as is necessary or convenient for the purpose of making roads or drains or erecting buildings or obtaining water on the land.

(2) A steward shall not, without special authority, have power to consent on behalf of a lord under this section.

*Section 23.*—This Section takes the place of The Copyhold Act, 1852 (15 & 16 Vict. c. 51), Section 48; The Copyhold Act, 1858 (21 & 22 Vict. c. 94), Section 14; and The Copyhold Act, 1887 (50 & 51 Vict. c. 73), Section 33.

*Sub-section 1.*—For Form of Consent by lord to the inclusion of the rights reserved by this Section to him in the valuation for enfranchisement, and so as to extinguish those rights thereafter, see Form 32, Appendix IV.



For a like Form where any of the rights mentioned in this Section are vested in the tenant see Form 33, Appendix IV.

The rights reserved by this Section are these :—

1. The right to any mines, minerals, limestone, lime, clay, stone, gravel, pits, or quarries ;
2. Any right of entry ;
3. Any right of way and search ;
4. Any right of searching for, winning, and working any mines, minerals, pits, or quarries ;
5. Any right of removing and carrying away any minerals, limestone, lime, stones, clay, gravel, or other substances ;
6. The rights, franchises, royalties, or privileges of the lord in respect of any—
  - (a) fairs,
  - (b) markets,
  - (c) chase or warren,
  - (d) piscaries,

or any other rights of hunting, shooting, fishing, or fowling.

In lands held by copy of Court Roll, according to the custom of the manor, the freehold is in the lord, and in the absence of custom (the onus of establishing which lies on the tenant) the tenant has no right to work the minerals ; and the same applies to ordinary copyholds held at the will of the lord ; but the estate of the copyholder is in the soil throughout, except as regards trees, mines, and minerals, the property in which remains in the lord. When the lord has removed the minerals the space left belongs to the copyholder, unlike the case of a vendor of freeholds who reserves the mines : when such a vendor has removed the minerals he remains owner of the vacant space (*Duke of Portland v. Hill*, 2 L. R. Eq. 765 ; and *Eardley v. Granville*, 3 C. D. 826).

The lord of course cannot get the trees or the minerals without the consent of the tenant : the possession is in the copyholder, the property in the lord : if the lord cuts the trees without the tenant's consent, the latter can maintain trespass against him. The same rule applies to minerals. When the tree is cut, the tenant (in the words of Jessel, M. R., in *Eardley v. Granville*) "has a right to the soil of the copyhold where the tree stood, including the stratum of air which is now left vacant by the removal of the tree."

For a decision as to what would be the measure of damages where a lord, without consent of the tenant, has taken minerals see *A. G. v. Tomline* (5 C. D. 750, and S. C. 15 C. D. 150).

It will be observed that the owner of the enfranchised land (*i.e.* after the enfranchisement), even where mines or minerals are reserved, is empowered expressly by the statute "to disturb or remove the soil so far as is necessary or convenient for the purpose of making roads or drains, or erecting buildings, or obtaining water on the land, but without prejudice to the right to the mines and minerals."

*Piscaries.*

In the case of *Tilbury v. Silva* (45 C. D. p. 98) the enfranchisement deed contained a grant by the lord to the tenant of the copyhold lands "to the intent that the copyhold tenure of the same lands ... may be extinguished, and ... rights of fishing may be for the time being released and extinguished." The lord had at the time of the execution of the deed not only the right to fish from the lands, but the reversionary right of regranteeing the copyholds, with a right of fishing. It was held that the enfranchisement extinguished all these rights.

Power for  
tenant to  
grant ease-  
ments to  
lord.

**24.** (1) On an enfranchisement under this Act there may be reserved or granted, with the consent of the tenant, to the lord any right of way or other easement in the land enfranchised for more effectually winning and carrying away any mines or minerals under the land.

(2) The easement must be reserved by the award or granted in the deed of enfranchisement.

*Section 24.*—This Section takes the place of Section 84 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35).

*Sub-section 1.*—The reservation of a right of way or other easement to the lord must be with the consent of the tenant whose land is being enfranchised, and no doubt such a circumstance would be considered in determining the amount to be paid or charged for the enfranchisement.

*Sub-section 2.*—The easement may not be reserved in a separate document, but must be in the award or deed of enfranchisement. But apparently this would not prevent the owner of the enfranchised land at any subsequent time from granting an easement if he thought fit so to do, either to the former lord or any other person.

## PART IV.

PROVISIONS AS TO CONSIDERATION MONEY, EXPENSES,  
RENTCHARGES.*Consideration Money.*

**25.** The receipt of any person for any money paid to him in pursuance of this Act shall be a sufficient discharge for the money, and the person paying it shall not be bound to see to the application or be liable for the misapplication or loss thereof.

Power to  
give  
receipts.

*Section 25.*—This Section takes the place of Section 78 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35), and Section 25 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

For Form of Receipt for Money paid in pursuance of the Act see Form 17, Appendix IV., and Section 10 (4), *ante*.

**26. (1)** Money payable under this Act as the compensation or consideration for an enfranchisement may, subject to the other provisions of this Act, be paid to the lord for the time being.

Payment of  
enfranchisement  
money.

Provided that where any money is payable in pursuance of this section to a lord having only a limited estate or interest in the manor, the Board of Agriculture—

- (a) if the money exceeds the sum of twenty pounds for all the enfranchisements in the manor, shall direct it to be paid into Court or to trustees in manner provided by this Act; and
- (b) if the money does not exceed the sum of twenty pounds for all the enfranchise-

ments in the manor, may direct it either to be paid in manner aforesaid, or to be retained by the lord for his own use, as in their discretion they think fit.

(2) If a lord refuses to accept any money payable to him under this section the money shall be paid into Court or to trustees in manner provided by this Act.

(3) If any money in respect of the compensation or consideration for an enfranchisement is paid to a lord whose title afterwards proves to be bad or insufficient, the rightful owner of the manor or his representative may recover the amount from the person to whom it was paid, or his representative, with interest at the rate of five pounds per cent. per annum from the time of the title proving to be bad or insufficient.

(4) If any principal money is paid for enfranchisement to a person who is not entitled to receive it under the provisions of this Act, the land enfranchised shall continue to be charged with the payment of the money in favour of the person entitled:

Provided that the person entitled to the land may recover the money as against the person who wrongfully received it.

(5) If any dispute arises as to the proper application, appropriation, or investment under this Act of any money payable in respect of an enfranchisement, the Board of Agriculture may decide the question, and their decision shall be final.

*Section 26 (1).*—This Section takes the place of the following Sections of the repealed Acts: namely—

*Sub-section 1* is substituted for Sections 59, 73, 74, and 75 of

The Copyhold Act, 1841 (4 & 5 Vict. c. 39), and Sections 25 and 32 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

*Sub-section 2.*—For Section 13 of The Copyhold Act, 1858 (21 & 22 Vict. c. 94).

*Sub-section 3.*—For Section 47 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51).

*Sub-section 4.*—For Section 76 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35).

*Sub-section 5.*—For Section 75 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35).

*Sub-section 1 (a).*—“Into Court or to trustees in manner provided by this Act.”—As to payment of money into Court or to trustees under the Act see Section 32, *infra*; and as to the investment of money in Court or in the hands of trustees see Section 33, *infra*, and also the notes to those Sections.

*Sub-section 1 (b).*—“All the enfranchisements in the manor.”—These words are somewhat doubtful, and may require judicial interpretation. It is, however, apprehended that they refer to all the enfranchisements made by a particular tenant at one time.

*Sub-section 5.*—For Form of Reference of Dispute to the Board of Agriculture see Form 34, Appendix IV.

### *Rentcharges.*

**27.** The following provisions shall apply to every rentcharge created under the provisions of this Act:—

Payment  
of rent-  
charges  
under Act.

- (a) The rentcharge shall be payable half-yearly on the first day of January and the first day of July in every year:
- (b) The first payment of a rentcharge shall be made on such one of those half-yearly days of payment as next follows the day fixed for the commencement of the rentcharge, or, if no such day is fixed, the date of the award or deed of enfranchisement, and shall be of an amount proportional to the interval

between the commencement of the rentcharge and the said day of payment:

- (c) The rentcharge shall be a first charge on the land charged therewith, and shall have priority over all incumbrances affecting the land except tithe rentcharge and any charge having priority by statute, notwithstanding those incumbrances are prior in date:
- (d) The rentcharge shall be deemed to be granted to the lord and his heirs, to the uses, on the trusts, and subject to the powers and provisions subsisting, at the date of the enfranchisement in consideration of which the rentcharge arises, in respect of the manor of which the land subject to the rentcharge was held, and shall be appendant and appurtenant to the manor, but not so as to be incapable of being severed therefrom or to be affected by the extinction thereof:
- (e) The rentcharge whenever created shall be recoverable by the like remedies as are provided by section forty-four of the Conveyancing and Law of Property Act, 1881, in respect of rentcharges created after the commencement of that Act.

Provided that an occupying tenant who properly pays on account of a rentcharge any money which as between him and his landlord that tenant is not liable to pay shall be entitled to recover from the landlord the money paid, or to deduct it from the next rent payable by the tenant; and an intermediate

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landlord who pays or allows any sum under this provision may in like manner recover it from his superior landlord, or deduct it from his rent.

*Section 27.*—This Section takes the place of the provisions contained in The Copyhold Act, 1887 (50 & 51 Vict. c. 73), Sections 15, 16, and 19; The Copyhold Act, 1843 (6 & 7 Vict. c. 23), Sections 2 and 7; The Copyhold Act, 1841 (4 & 5 Vict. c. 35), Sections 45 to 48; The Copyhold Act, 1844 (7 & 8 Vict. c. 55), Section 7; and The Copyhold Act, 1852 (15 & 16 Vict. c. 51), Section 42.

The provisions contained in Section 27 apply to *every rentcharge created under the Act*, and therefore to those created on a voluntary enfranchisement (as to which see Section 17, *ante*, and notes thereto) as well as on a compulsory enfranchisement.

A rentcharge is where the owner of the rent has no future interest or reversion expectant in the land. It derives its name from the fact that rentcharges were originally created by deed which contained a power of distress for their recovery, there being at common law no right of distress, and the land thereby became charged with a distress for payment of it (Co. Litt. 143).

But now, by virtue of The Conveyancing Act, 1881, Section 44, there are three remedies open to the owner of a rentcharge—(i.) Distress, (ii.) Entry, (iii.) Demise of land charged, as well as (iv.) a Common-law Action of Debt. (See note to Section 27, Sub-section (e), *infra*.)

As a rentcharge comes within the definition of “rents” in The Apportionment Act, 1870 (33 & 34 Vict. c. 35: see Sections 1 and 5), it is apportionable in respect of time.

The release of part of a rentcharge does not now, as formerly, extinguish the whole rentcharge, but operates only to bar the right to recover any part of the rentcharge out of the hereditaments released, without prejudice to the rights of all persons interested in the hereditaments unreleased and not concurring in or confirming the release: The Law of Property Amendment Act, 1859 (22 & 23 Vict. c. 35), Section 10; *Booth v. Smith* (14 Q. B. D. 318).

*Sub-section (a).*—If the rentcharge is not paid, the remedies are as provided by Sub-section (e).

*Sub-section (b).*—The commencement of a rentcharge may be fixed by the award or deed of enfranchisement. If not so fixed, it will be the

date of the award or deed of enfranchisement. An apportionment takes place up to the 1st January or 1st July next following. (See Section 20, *ante*.)

*Sub-section (c).*—The charges which are to take priority over the rentcharge are—

- (i.) Tithe rentcharge.
- (ii.) Any charge having priority by statute. (See note to Section 19, Sub-section 3, *ante*, and Section 36 (8), *infra*.)

To all other incumbrances the rentcharge takes priority.

Only two years' arrears of an ordinary tithe rentcharge can be recovered (54 Vict. c. 8, Section 10, Sub-section 2).

*Sub-section (d).*—See Section 17, Sub-section 3, *ante*, and note thereto. "*At the date of the enfranchisement.*"—See Section 10 (6) and Section 20 for the dates of a voluntary and compulsory enfranchisement respectively. The rentcharge becomes appendant and appurtenant to the manor, but is severable (Section 31, which enables the rentcharge to be sold).

*Sub-section (e).*—Section 44 of The Conveyancing and Law of Property Act, 1881 (44 & 45 Vict. c. 41), is in these terms:—

(1) *Where a person is entitled to receive out of any land or out of the income of any land any annual sum payable half-yearly or otherwise, whether charged on the land or on the income of the land, and whether by way of rentcharge or otherwise, not being rent incident to a reversion then subject and without prejudice to all estates, interests, and rights having priority to the annual sum, the person entitled to receive the same shall have such remedies for recovering and compelling payment of the same as are described in this section, as far as those remedies might have been conferred by the instrument under which the annual sum arises, but not further.*

(2) *If at any time the annual sum or any part thereof is unpaid for twenty-one days next after the time appointed for any payment in respect thereof, the person entitled to receive the annual sum may enter into and distrain on the land charged or any part thereof, and dispose according to law of any distress found, to the intent that thereby or otherwise the annual sum*



and all arrears thereof, and all costs and expenses occasioned by non-payment thereof, may be fully paid.

(3) If at any time the annual sum or any part thereof is unpaid for forty days next after the time appointed for any payment in respect thereof, then, although no legal demand has been made for payment thereof, the person entitled to receive the annual sum may enter into possession of, and hold the land charged or any part thereof, and take the income thereof, until thereby or otherwise the annual sum and all arrears thereof due at the time of his entry, or afterwards becoming due during his continuance in possession, and all costs and expenses occasioned by non-payment of the annual sum, are fully paid, and such possession when taken shall be without impeachment of waste.

(4) In the like case the person entitled to the annual charge, whether taking possession or not, may also by deed demise the land charged, or any part thereof, to a trustee for a term of years, with or without impeachment of waste, on trust by mortgage or sale or demise for all or any part of the term of the land charged, or of any part thereof, or by receipt of the income thereof, or by all or any of those means, or by any other reasonable means to raise and pay the annual sum and all arrears thereof due, or to become due, and all costs and expenses occasioned by non-payment of the annual sum, or incurred in compelling or obtaining payment thereof, or otherwise relating thereto, including the costs of the preparation and execution of the deed of demise, and the costs of the execution of the trusts of that deed, and the surplus, if any, of the money raised, or of the income received under the trusts of that deed, shall be paid to the person for the time being entitled to the land therein comprised in reversion immediately expectant on the term thereby created.

(5) This section applies only if and as far as a contrary intention is not expressed in the instrument under which the

*annual sum arises, and shall have effect subject to the terms of that instrument and to the provisions therein contained.*

*(6) This section applies only where that instrument comes into operation after the commencement of this Act.*

As has been pointed out above (note to Section 27), the remedies open to the owner of the rentcharge under this Section are three—(i.) Distress, (ii.) Entry, (iii.) Demise of the land charged; and he has also, in addition, the ordinary remedies which he had previously (*Searle v. Cooke*, 43 C. D. 519, see p. 533); as, for instance, by action of debt (*Thomas v. Sylvester*, 8 L. R. Q. B. 368).

The right to grant a term is useful where there is an existing lease granted under a power, and taking priority over the rentcharge, and so precluding the exercise of the power of distress.

Apportion-  
ment of  
rentcharge.

**28.** The persons for the time being entitled to a rentcharge under this Act, and to the land subject to the rentcharge respectively, whether in possession or in remainder or reversion expectant on an estate for a term of years, may apportion the rentcharge between the several parts of the land charged therewith.

Provided as follows:—

- (a) Where the person entitled to the land is not absolutely entitled thereto, the apportionment shall not be made without the consent of the Board of Agriculture: and
- (b) A person entitled to an undivided share in a rentcharge or land shall not exercise the powers of this section unless the persons entitled to the other undivided shares concur in the apportionment.

*Section 28.*—This Section takes the place of Sections 4, 5, and 6 of The Copyhold Act, 1843 (6 & 7 Vict. c. 23). An apportionment under this Section would most properly be carried out by a deed.

The consent of the Board of Agriculture is necessary where the person entitled to the land (*i.e.*, in possession at the time) is not absolutely entitled thereto.

For a Form of Deed of Apportionment see Form 35, Appendix IV.

**29.** A sub-lessee under a sub-lease shall not, as between him and his lessor, be liable in consequence of the creation or apportionment of a rentcharge under this Act to pay any greater sum of money than he would have been liable to pay if the charge or apportionment had not been made.

Protection  
of lessees  
from  
liability to  
rentcharge.

*Section 29.*—This Section takes the place of Section 8 of The Copyhold Act, 1843 (6 & 7 Vict. c. 23).

The effect of this Section is that a lessee cannot be made to pay a greater sum than his agreed rent, even though the whole or a portion of the rentcharge which is charged on the portion of the land of which he is the tenant is greater in amount than the rent he has agreed to pay.

**30.** (1) A rentcharge created under this Act may be redeemed on any half-yearly day of payment by the person for the time being in actual possession or in receipt of the rents and profits of the land subject to the rentcharge, on payment to the person for the time being entitled to receive the rentcharge of the consideration provided by this section.

Redemption  
of rent-  
charge.

Provided that where the person entitled to the rentcharge is entitled for a limited estate or interest only, the Board of Agriculture—

- (a) if the money exceeds the sum of twenty pounds for all the rentcharges under this Act in the manor, shall direct it to be paid into court or to trustees in manner provided by this Act; and

- (b) in any other case, may direct it either to be paid in manner aforesaid or to be retained by that person for his own use.
- (2) The consideration for the redemption of a rentcharge under this section shall,—
  - (a) where the rentcharge is of fixed amount, be twenty-five times the yearly amount of the rentcharge; and
  - (b) in any other case, be a sum to be fixed by the Board of Agriculture on the request of the person entitled to redeem the rentcharge.
- (3) The person intending to redeem shall give to the person for the time being entitled to receive the rentcharge six months' previous notice in writing of his intention.
- (4) If on the expiration of the notice the redemption money and all arrears of the rentcharge are not paid, the person for the time being entitled to receive the rentcharge shall have for the recovery of the redemption money and all arrears, if any, of the rentcharge the like powers in respect of the land charged as are given by the Conveyancing and Law of Property Act, 1881, to a mortgagee in respect of the mortgaged property for the recovery of the mortgage debt and interest in the case where the mortgage is by deed.
- (5) When it appears to the Board of Agriculture that the payment or tender of the consideration for the redemption of a rentcharge has been duly made, the Board may certify that the rentcharge has been redeemed and the certificate shall be conclusive.

(6) The expenses incurred in redeeming a rent-charge under this section shall be dealt with on the same footing as the expenses incurred in redeeming a mortgage.

*Section 30.*—This Section takes the place of Sections 39 and 40 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51), and Sections 17 and 18 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

The Conveyancing Act, 1881, contains in Section 45 a series of provisions relating to the redemption of rentcharges which are on very similar lines to those contained in this Section, except that under the former Act one month's notice only need be given of desire to redeem, while under Sub-section 3 of Section 30 of this Act six months' notice has to be given; but it is apprehended that in redeeming a rentcharge under this Act it is advisable to adhere to the provisions herein laid down, and not those in the Conveyancing Act.

*Sub-section 1.*—The power of redeeming is given to "*the person for the time being in actual possession or in receipt of the rents and profits of the land.*" These words would include a mortgagee who had taken possession.

*Sub-section 1 (a).*—When the Board of Agriculture orders the redemption money to be paid into Court the payment will be made as directed by Section 32 of the Act and notes thereto, in manner provided by the Supreme Court Funds Rules, 1894 (see especially Rule 40).

*Sub-section 1 (b).*—Where the person entitled to the rentcharge which is redeemed has a limited estate or interest, and the redemption money is less than £20, the Board has a discretion either (i.) to order it to be paid into Court, or (ii.) to trustees, or (iii.) to be retained by the person so entitled for his own use.

*Sub-section 2 (a)* —It will be observed that where the rentcharge is of fixed amount the redemption price will be twenty-five times the annual value. This differs from Sub-section 1 of Section 45 of the Conveyancing Act, where power is given to the Copyhold Commissioners (now the Board of Agriculture) to "*certify the amount of money in consideration whereof the rent may be redeemed.*" This is not consistent with the provision of the present Act now under discussion; but it is apprehended that in redeeming a rentcharge

created in pursuance of the Copyhold Acts, or any of them, the provision in this Act must prevail as against those in the Conveyancing Act, for this reason, if for no other, that it is a later Act and deals specially with copyholds.

*Sub-section 2 (b).*—This Sub-section is substantially the same as that of the Conveyancing Act, but only applies where the rentcharge is not of fixed amount.

*Sub-section 3.*—This differs, as has been pointed out above, from Sub-section 2 of Section 45 of The Conveyancing Act, 1881. In redeeming it would be advisable to head the notice, In the Matter of The Copyhold Act, 1894, to make it clear that the redemption is to be on the lines laid down by that Act.

For Form of Notice of Intention to Redeem see Form 36, Appendix IV.

*Sub-section 4.*—The powers conferred by The Conveyancing Act, 1881, on a mortgagee, where the mortgage is by deed, are—(i.) a power of sale; (ii.) a power to appoint a receiver; (iii.) a power to cut and sell timber. (See Sections 19 to 24, Conveyancing and Law of Property Act, 1881, 44 & 45.Vict. c. 41.)

*Sub-section 5.*—A tender to be effective must be at a proper time and place, in sufficient money, with proper formalities, and by and to the proper persons.

It should be made before the end of the last day of the six months mentioned in the notice of desire to redeem. The money should be actually produced. A tender must not be clogged with any condition. It can be made by an agent for the debtor.

*Sub-section 6.*—The rule is that the mortgagor pays the costs of redemption, even of an action to redeem, unless there has been positive misconduct on the part of the mortgagee (see *Loftus v. Swift*, 2 Sch. and L. 642).

Power to  
sell rent-  
charge.

**31. (1)** Where the person for the time being entitled to the receipt of a rentcharge under this Act is entitled thereto for a limited estate or interest only, or is a corporation not authorised to sell the rentcharge except under the provisions of this Act, that person may sell and transfer the rentcharge

with the consent of the Board of Agriculture given under their seal.

(2) When a rentcharge is sold under this section the consideration money for the sale shall be paid into Court or to trustees in manner directed by this Act.

Provided that when the consideration does not exceed the sum of twenty pounds for all the rentcharges under this Act in the manor the consideration may be paid, if the Board of Agriculture so direct, to the person for the time being entitled to receive the rentcharge for his own use.

*Section 31.*—This Section takes the place of Sections 38, 39, and 40 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51).

*Sub-section 1.*—A special application for consent to sell must in the cases mentioned in the Section be made to the Board of Agriculture for leave to sell. (For form see Form 37, Appendix IV.)

*Sub-section 2.*—For mode of payment into Court see Sections 32 and 33 and notes thereto.

*Application of Money to be paid under Act into  
Court or to Trustees.*

**32.** (1) Where money is directed by or in pursuance of this Act to be paid into Court it shall be paid into the High Court in manner provided by rules of Court to an account ex parte the Board of Agriculture.

Payment of  
money into  
Court or to  
trustees.

(2) Where money is directed by this Act to be paid to trustees it shall be paid—

- (a) if there are any trustees acting under a settlement under which the lord or owner of the manor or rentcharge in respect of which the money arises derives his estate

or interest in the manor or rentcharge, then to those trustees or to such one or more of them as the Board of Agriculture direct; and

(b) in any other case to trustees appointed by the Board of Agriculture.

(3) Where money may under the provisions of this Act be paid either into Court or to trustees, it may be paid either into Court or to trustees at the option (where the money arises in respect of an enfranchisement) of the lord for the time being, and (where it arises in respect of a rentcharge) of the owner for the time being of the rentcharge.

(4) (a) The Board of Agriculture may appoint fit persons to be trustees for the purposes of this Act.

(b) Where any trustee appointed by the Board of Agriculture dies the Board shall appoint a new trustee in his place.

(c) Where any trustee appointed by the Board desires to resign, or remains out of the United Kingdom for more than twelve months, or refuses or is unfit to act, or is incapable of acting, the Board may if they think fit appoint another trustee in his place.

(d) An appointment under this section must be by order under the seal of the Board of Agriculture.

*Section 32.*—This Section takes the place of Sections 73 and 74 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35); Section 14 of The Copyhold Act, 1842 (6 & 7 Vict. c. 23); Section 6 of The Copyhold Act, 1844 (7 & 8 Vict. c. 55); and Section 39 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51).



*Sub-section 1.*—Payment into Court is now regulated by the Supreme Court Funds Rules, 1894, which consolidate the Rules referring to such matters. Rule 40 specially deals with moneys paid into Court under the Copyhold Acts, and is in these terms:—

*“Money lodged under the Copyhold Acts to be specially described.”*  
—Money lodged in Court in the Chancery Division pursuant to the Copyhold Acts shall be placed in the books at the Pay Office to the credit of *Ex parte* the Board of Agriculture, and of the particular manor in respect of which the money shall be so paid in; and in the request for a direction for the lodgment, the name and locality of such particular manor shall be stated.”

By the Rules of the Supreme Court, Order 55, Rule 2 (ii.), applications under the Copyhold Acts respecting any moneys or securities in Court are made in Chambers by summons.

Money arising under the Act can be dealt with under this and the subsequent Sub-sections in one or other of the following ways:—

- (i.) It can be paid into Court.
- (ii.) It can be paid to trustees acting under a settlement of the manor or rentcharge.
- (iii.) It can be paid to trustees appointed by the Board of Agriculture.

The lord has an option, where the money arises in respect of an enfranchisement, to say whether it shall be paid into Court or to trustees, and if it arises in respect of a rentcharge, the owner of it likewise has an option. For Forms of Notice of Exercise of Option see Forms 38 & 39, Appendix IV.

*Sub-section 4.*—This Sub-section makes full provision for filling up vacancies in the number of the trustees appointed by the Board of Agriculture under the Act.

The power of appointing a new trustee arises in the following events: namely, when any trustee appointed by the Board—

- (i.) Desires to resign.
- (ii.) Remains out of the United Kingdom for more than twelve months.
- (iii.) Refuses to act.
- (iv.) Is unfit to act.
- (v.) Is incapable of acting.

As to (ii.) the months here mentioned are calendar months, in accordance with Section 3 of The Interpretation Act, 1889 (52 & 53 Vict. c. 63).

(iv.) *Unfit to act*.—Bankruptcy will (*inter alia*) be a good cause for appointing a new trustee in the place of an old one. (See *re Adams's Trusts*, 12 C. D. 634, and *re Barker's Trusts*, 1 C. D. 43.)

(v.) *Incapable of acting*.—As, for instance, through lunacy, or unsoundness of mind (*i.e.*, lunacy though not so found). But marriage is not an incapacity for the purpose of this Section. (See *The Married Women's Property Act*, 1882, Sections 1, 18, and 24.)

This power given to the Board of appointing new trustees is, it will be observed, purely discretionary.

Investment  
of money  
in Court or  
in hands of  
trustees.

**33.** (1) Where in pursuance of this Act any money in respect of an enfranchisement or the redemption or sale of a rentcharge is paid into Court or to trustees the money shall when paid into Court be applied under the direction of the Court, and when paid to trustees be applied, subject to the consent of the Board of Agriculture, by the trustees, in one, or partly in one and partly in another or others, of the following modes of application or investment; that is to say,

- (a) in the purchase or redemption of the land tax or in or towards the discharge of any incumbrance affecting the manor or the rentcharge or other hereditaments settled with the manor or rentcharge to the same or the like uses or trusts; or
- (b) in the purchase of land; or
- (c) in investment in two and three quarters per centum consolidated stock or in Government or real securities, or in any of the investments in which trustees are for the time being authorised by law to invest; or
- (d) in payment to any person who would, if the enfranchisement or redemption or sale had not taken place, be absolutely entitled to the manor or the rentcharge respectively.

(2) Land purchased under this section shall be conveyed to the uses, on the trusts, and subject to the powers and provisions which are or would but for the enfranchisement or redemption or sale be subsisting in the manor or rentcharge, as the case may be, or as near thereto as circumstances permit.

(3) The income of an investment under this section shall be paid to the person who is or would but for the enfranchisement be entitled to the rents and profits of the manor, or would but for the redemption or sale be entitled to the rentcharge, as the case may be.

(4) An investment or other application of money in Court under this section shall be made on the application of the person who would for the time being be entitled to the income of an investment of the money.

*Section 33.*—This Section takes the place of Section 73 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35), and Section 39 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51).

*Sub-section 1.*—Under this Sub-section, money paid into Court is dealt with under its direction; when paid to trustees it is applied subject to the control of the Board of Agriculture.

*Sub-section 1 (a).*—This is somewhat similar in wording to Section 21 (ii.) of The Settled Land Act, 1882, but the words in the latter Act allow of the money being applied as therein mentioned only when the incumbrance is one “affecting the inheritance of the settled land.” Here the words are “affecting the manor or the rentcharge or other hereditaments settled with the manor or rentcharge to the same or the like uses or trusts,” and so the question raised in *re Knatchbull* (27 C. D. 349) would not arise under this Section.

For what are hereditaments “settled to the same or the like uses or trusts” see *re Lord Stamford's Settled Estates* (43 C. D. 84).

*Sub-section 1 (b).*—“Land,” by Section 94 of the Act (Interpretation Section), includes an undivided share in land; and by Section 3 of The Interpretation Act, 1889 (52 & 53 Vict. c. 63), it also includes

messuages, tenements, hereditaments, and houses and buildings of any tenure.

*Sub-section 1 (e).*—The authorised investments are—

- (i.) Two and three-quarters per Cent. Consolidated Stock.
- (ii.) Government securities.
- (iii.) Real securities.
- (iv.) Any investments in which trustees are for the time being authorised by law to invest.

(ii.) *Government Securities.*—This includes Bank Annuities, and extends to Exchequer Bills.

(iii.) *Real Securities.*—This means only mortgages of fee simple or copyhold lands in England or Wales, and also of property held for an unexpired term of not less than 200 years, and any charge, or upon mortgage of any charge, under The Improvement of Land Act, 1864. (See Section 5 of The Trustee Act, 1893.)

(iv.) The fourth head is the most comprehensive, and includes all the investments mentioned in Section 1 of The Trustee Act, 1893. (See Rudall and Greig on The Trustee Act, 1893.)

The following is a list of investments in which trustees are for the time being authorised by law to invest, other than investments authorised by special Acts of Parliaments :—

- (a) Any of the Parliamentary Stocks, Public Funds, or Government Securities of the United Kingdom.
- (b) Real or heritable securities in Great Britain or Ireland.
- (c) The Stock of the Bank of England or the Bank of Ireland.
- (d) India Three-and-a-half per Cent. Stock, India Three per Cent. Stock, or any other Capital Stock which may at any time after the 22nd September, 1893, be issued by the Secretary of State in Council of India under the authority of Act of Parliament, and charged on the revenues of India.
- (e) Any securities the interest of which is for the time being guaranteed by Parliament.
- (f) Consolidated Stock created by the Metropolitan Board of Works, or by the London County Council, or Debenture Stock created by the Receiver for the Metropolitan Police District.
- (g) The debenture or rentcharge or guaranteed or preference stock of any railway company in Great Britain or Ireland.

incorporated by special Act of Parliament, and having during each of the ten years last past before the date of investment paid a dividend at the rate of not less than three per cent. per annum on its ordinary stock.

- (h) The stock of any railway or canal company in Great Britain or Ireland whose undertaking is leased in perpetuity or for a term of not less than two hundred years at a fixed rental to any such railway company as is mentioned in Sub-section (g), either alone or jointly with any other railway company.
- (i) The debenture stock of any railway company in India the interest on which is paid or guaranteed by the Secretary of State in Council of India.
- (j) The B annuities of the Eastern Bengal, the East Indian, and the Scinde, Punjab, and Delhi Railways, and any like annuities which may at any time after the 22nd September, 1893, be created on the purchase of any other railway by the Secretary of State in Council of India, and charged on the revenues of India, and which may be authorised by Act of Parliament to be accepted by trustees in lieu of any stock held by them in the purchased railway; also in deferred annuities comprised in the Register of Holders of Annuity Class D, and annuities comprised in the Register of Annuitants Class C, of the East Indian Railway Company.
- (k) The stock of any railway company in India upon which a fixed or minimum dividend in sterling is paid or guaranteed by the Secretary of State in Council of India, or upon the capital of which the interest is so guaranteed.
- (l) In the debenture or guaranteed or preference stock of any company in Great Britain or Ireland established for the supply of water for profit, and incorporated by special Act of Parliament or by Royal Charter, and having during each of the ten years last past before the date of investment paid a dividend of not less than five pounds per cent. on its ordinary stock.
- (m) Nominal or inscribed stock issued or to be issued by the corporation of any municipal borough having, according to the returns of the last census prior to the

date of investment, a population exceeding fifty thousand, or by any county council under the authority of any Act of Parliament or Provisional Order.

- (n) Nominal or inscribed stock issued or to be issued by any commissioners incorporated by Act of Parliament for the purpose of supplying water, and having a compulsory power of levying rates over an area having, according to the returns of the last census prior to the date of investment, a population exceeding fifty thousand, provided that during each of the ten years last past before the date of investment the rates levied by such commissioners shall not have exceeded eighty per cent. of the amount authorised by law to be levied.
- (o) Any of the stocks, funds, or securities for the time being authorised for the investment of cash under the control or subject to the order of the High Court.

The investment of cash under the control of or subject to the order of the Court is now regulated by Rule 17 of Order XXII. of the Rules of the Supreme Court.

The following are the investments authorised :—

Two-and-three-quarters per Cent. Consolidated Stock (to be called after the 5th of April, 1903, Two-and-a-half per Cent. Consolidated Stock).

Consolidated Three Pounds per Cent. Annuities.

Reduced Three Pounds per Cent. Annuities.

Two Pounds Fifteen Shillings per Cent. Annuities.

Two Pounds Ten Shillings per Cent. Annuities.

Local Loans Stock under The National Debt and Local Loans Act, 1887.

Exchequer Bills.

Bank Stock.

India Three-and-a-half per Cent. Stock.

India Three per Cent. Stock.

Indian Guaranteed Railway Stocks or Shares, provided in each case that such stocks or shares shall not be liable to be redeemed within a period of fifteen years from the date of investment.

Stocks of Colonial Governments guaranteed by the Imperial Government.

- Mortgage of freehold and copyhold estates respectively in England and Wales.
- Metropolitan and Consolidated Stock, Three Pounds Ten Shillings per Cent.
- Three per Cent. Metropolitan Consolidated Stock.
- Debenture Preference Guaranteed or Rentcharge Stocks of Railways in Great Britain or Ireland, having for ten years next before the date of investment paid a dividend on ordinary stock or shares.
- Nominal Debentures or Nominal Debenture Stock under The Local Loans Act, 1875: provided that in each case such Debentures or Stock shall not be liable to be redeemed within a period of fifteen years from the date of investment.

It will be seen that the investments authorised by the Order of Court are almost all included amongst the investments directly authorised by the Act of 1893. The following differences, however, between the provisions of that Act and the directions contained in the Order of Court will be noticed:—(1) The Act requires that, in order to qualify the debenture or rentcharge or guaranteed or preference stock of a railway in Great Britain or Ireland as a fit investment for trust funds, the railway company should, during each of the ten years last past before the date of investment, have paid a dividend of not less than three per cent. per annum on its ordinary stock; but the Order of Court only requires a dividend to have been paid for ten years next before the date of investment, and is silent as to amount. (2) The Order of Court extends to Indian Guaranteed Railway Stocks or Shares, provided that in each case such stock or shares shall not be liable to be redeemed within fifteen years from the date of investment; whilst Sub-section (i) of The Trustee Act, 1893, only includes debenture stock the interest on which is paid or guaranteed by the Secretary of State in Council of India. (3) The Order of Court extends to nominal debentures and nominal debenture stock issued under The Local Loans Act, 1875; but The Trustee Act, 1893, only extends to nominal or inscribed stock (see Sub-section *m*).

*Sub-section 1 (d).*—For the meaning of this, the cases decided on a somewhat similar provision in the Lands Clauses Acts and The Settled Land Act, 1882, Section 21 (ix.), may be consulted; as, for instance, *Hobson's Trusts* (7 C. D. 708); *re Evans* (14 C. D. 571); *re Gooch*

(3 C. D. 742); and *re* Smith, London and North Western Railway Co. and Midland Railway Co. (40 C. D. 386).

*Sub-section 2.*—See *re* Lord Stamford's Estates (43 C. D. 84), a decision on a similar provision in The Settled Land Act, 1882, Section, 24.

*Sub-section 4.*—By the Rules of the Supreme Court, Order 55, Rule 11, applications relating to securities or money in Court under the Copyhold Acts are to be made by summons in Chambers. (See Daniell's Chancery Practice, 2212 to 2215, and Daniell's Chancery Forms, pp. 944 to 967.)

### *Expenses.*

Expenses of  
dealings  
under Act,  
how borne.

**34.** (1) The expenses of a compulsory enfranchisement under this Act shall be borne by the person who requires the enfranchisement.

(2) A sum in respect of the expenses of a compulsory enfranchisement shall not be due or recoverable from any person until it has been certified by order of the Board of Agriculture to have been properly incurred.

(3) The expenses of a voluntary enfranchisement under this Act shall be borne by the lord and tenant in such proportions as they agree, or in default of agreement as the Board of Agriculture direct.

(4) All expenses which in the opinion of the Board of Agriculture are incidental to an enfranchisement, whether for proof of title, production of documents, expenses of witnesses, or otherwise, shall, for the purposes of this Act, be expenses of the enfranchisement.

(5) Where there is any dispute as to the amount of the expenses payable by or to any person under this Act the Board of Agriculture may ascertain the amount and declare it by order, and the order shall be conclusive as to the amount and that it is



payable by or to the persons mentioned in that behalf in the order.

(6) If by reason of dispute as to title it appears to the Board of Agriculture to be uncertain on whom an order to pay expenses should be made, the Board may, if they think fit, grant to the person entitled to receive payment of the expenses a certificate of charge on the manor or land, as the case may be, in respect of which the expenses were incurred.

*Section 34.*—This Section takes the place of the following Sections of the repealed Acts :—

*Sub-sections 1 and 2* are substituted for Section 30 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51).

*Sub-section 3* for Sections 58 and 65 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35).

*Sub-section 4* for Section 58 of The Copyhold Act, 1841, and Section 30 of The Copyhold Act, 1852.

*Sub-section 5* for Sections 65, 66, and 67 of The Copyhold Act, 1841; Section 30 of The Copyhold Act, 1852; and Section 35 (c) of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

*Sub-section 6* for Section 28 of The Copyhold Act, 1858 (21 & 22 Vict. c. 94).

*Sub-section 3.*—As to voluntary enfranchisement under the Act see Sections 14 to 20, *supra*. For Form of Agreement between Lord and Tenant for Voluntary Enfranchisement see Form 25, Appendix IV.

*Sub-section 5.*—For Form of Reference of Dispute to the Board of Agriculture see Form 34, Appendix IV.

*Sub-section 6.*—It is conceived that under the Act the right of a copyhold tenant to enfranchise does not depend upon the validity of his title, but upon his being an admitted tenant.

And see Section 38, *infra*, which gives a tenant whose title is bad, and who is evicted, a charge for the consideration money paid by him under the Act upon the land enfranchised.

Recovery of  
expenses.

**35.** (1) When money is declared by this Act to be payable by any person on account of the expenses of proceedings under this Act,—

- (a) It may be recovered as a debt due from the person liable to pay to the person entitled to receive it ;
- (b) If the expenses are in respect of a compulsory enfranchisement, and the amount is certified by an order of the Board of Agriculture, it may be recovered in any way provided by this Act for the recovery of the consideration for the enfranchisement ;
- (c) If the amount is certified by an order of the Board of Agriculture, and the person liable to pay the amount does not pay it immediately after receiving notice of the order, the person to whom the amount is payable shall be entitled to obtain from a court of summary jurisdiction a warrant of distress against the goods of the person in default ;
- (d) If the money is payable by a lord to a tenant, or by the owner of a rentcharge to the owner of the land charged, it may be set off against any money which at the time is receivable by the lord from the tenant, or by the owner of the rentcharge from the owner of the land charged, as the case may be.

(2) If a tenant who is a trustee, or is not beneficially interested in the land of which he is tenant, properly pays any expenses of an enfranchisement under this Act, he may, except as against an

unadmitted mortgagee, recover the amount paid from the person who is entitled to the land at the date of the enfranchisement.

(3) If an occupier of land properly pays any expenses of an enfranchisement under this Act he may deduct the amount paid from his next rent.

*Section 35.*—This Section takes the place of the following sections of the repealed Acts, so far as they relate to the recovery of expenses: that is to say—

*Sub-section 1* is substituted for Section 65 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35); Section 30 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51); and Section 35 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

*Sub-section 2* for Section 67 of The Copyhold Act, 1841, and Sections 1 and 3 of the Copyhold Act, 1844 (7 & 8 Vict. c. 55).

*Sub-section 3* for Section 45 of The Copyhold Act, 1841.

*Sub-section 1 (b).*—“Provided by this Act for the recovery of the consideration.”—See *infra*, Section 41, Sub-section 7.

*Sub-section 1 (c).*—“Certified by an order of the Board of Agriculture.”—See *supra*, Section 34, Sub-section 2.

“*Court of Summary Jurisdiction.*”—This expression means any justice or justices of the peace, or other magistrate, by whatever name called, to whom jurisdiction is given by, or who is authorised to act under, the Summary Jurisdiction Acts in England or Wales, and whether acting under the Summary Jurisdiction Acts or any of them, or under any other Act, or by virtue of his commission, or under the common law. See The Interpretation Act, 1889, 52 & 53 Vict. c. 63, Section 13 (11).

The Summary Jurisdiction Acts are The Summary Jurisdiction Act, 1848 (11 & 12 Vict. c. 43); The Summary Jurisdiction Act, 1879 (42 & 43 Vict. c. 49); and The Summary Jurisdiction Act, 1884 (47 & 48 Vict. c. 43).

*Sub-section 2.*—As to enfranchisement by a trustee see Section 44.

“*The person who is entitled to the land at the date of the enfranchisement.*”—It is conceived that this means the person having the actual beneficial interest in the enfranchised property at the time of the enfranchisement, irrespective of the duration or quantity of his estate.

*Sub-section 3.*—“*Properly pays any expenses.*”—As, for instance, where the tenant pays to avoid a distress under the Act.

*Charge for Consideration Money and Expenses.*

Charge for  
considera-  
tion money  
and ex-  
penses of  
tenant.

36. (1) Where an enfranchisement is effected under this Act the tenant may charge the land enfranchised with all money paid by him as the compensation or consideration for the enfranchisement, and with his expenses of the enfranchisement, or, with the consent of the lord, with any compensation payable, or with any part thereof respectively.

(2) Where land is conveyed as the consideration for a voluntary enfranchisement under this Act, and the person conveying the land is absolute owner of the land conveyed, he may charge the land enfranchised with such reasonable sum as the Board of Agriculture consider to be equivalent to the value of the land conveyed and with the expenses of the conveyance.

(3) Where a lord purchases under this Act a tenant's interest in land he may charge the land purchased, and the manor and any land settled therewith to the same uses, with the purchase money and the expenses of the purchase.

(4) When a charge may be made under this section, the expenses of the charge may be included in the charge.

(5) A charge under this section may be for a principal sum and interest thereon not exceeding five per cent. per annum, or may be by way of terminable annuity calculated on the same basis.

(6) A charge under this section may be by deed by way of mortgage, or by a certificate of charge under this Act.

(7) A charge under this section shall be a first

charge on the manor or land subject to the charge, and shall have priority over all incumbrances whatsoever affecting the manor or land, except tithe rentcharge and any charge having priority by statute, notwithstanding that those incumbrances are prior in date.

(8) Any money secured on land may be continued on the security thereof notwithstanding a charge under this section.

*Section 36.*—This Section takes the place of Section 26 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51); Sections 21, 22, 23, 24, 25, 26, and 33 of The Copyhold Act, 1858 (21 & 22 Vict. c. 94); and Sections 23 and 24 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

*Sub-section 1.*—The land enfranchised may be charged by the tenant with all money *paid* by him as compensation or consideration, and with the expenses; and when the tenant has not actually paid the compensation or consideration, he may, with the consent of the lord charge the amount, or any part so to be paid in favour of the lord, on the land enfranchised. Such charge would come within the meaning of "land charge" in The Land Charges Registration and Searches Act, 1888, and will have to be registered thereunder. That Act defines such a charge as being "a rent or annuity or principal moneys payable by instalments, or otherwise, with or without interest charged, otherwise than by deed, upon land, under the provisions of any Act of Parliament, for securing to any person either the moneys spent by him or the costs, charges, and expenses incurred by him under such Act, or the moneys advanced by him for repaying the moneys spent, or the costs, charges, and expenses incurred by another person under the authority of an Act of Parliament."

*Sub-section 2.*—See Sections 15 and 18, *ante*, and notes thereto.

*Sub-section 3.*—See Section 11, *ante*, and notes thereto.

*Sub-section 6.*—For Form of Certificate of Charge under this Act, see the First Schedule to the Act, Form No. 2; and see Section 41, and notes thereto.

*Sub-section 8.*—This provision has for its object to protect trustees who have advanced money on the security of the land in question. Trustees are not justified in advancing or continuing an advance on

second mortgage. This proviso precludes any argument that a security has become a second mortgage by reason of a charge under this Act taking priority.

Charge for  
lord's  
expenses.

**37.** (1) Expenses incurred by a lord in proceedings under this Act may—

- (a) be paid out of any consideration or compensation money (where it is a gross sum) arising in respect of the proceedings; or
- (b) be charged, together with the expenses of the charge, on the manor or on land settled to the same uses as the manor or on any rentcharge arising in respect of the proceedings or in respect of any enfranchisement made under this Act within the manor.

(2) A charge under this section shall be by deed by way of mortgage, or by a certificate of charge under this Act.

(3) This section does not apply to the expenses of a purchase by the lord of a tenant's interest under this Act.

*Section 37.*—This Section takes the place of Section 58 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35); Section 31 of The Copyhold 1852 (15 & 16 Vict. c. 51); Sections 24 and 26 of The Copyhold Act, 1858 (21 & 22 Vict. c. 94); and Section 24 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

*Sub-section 1.*—This Sub-section gives four alternative modes of charging the lord's expenses: namely—

- (i.) On the consideration or compensation money.
- (ii.) On the manor.
- (iii.) On land settled on same uses as the manor. See *ante*, Section 33 (2), and notes thereon.
- (iv.) On any rentcharge created in respect of proceedings under the Act.

*Sub-section 2.*—For Form of Certificate of Charge see the First Schedule to the Act, Form No. 2.

*Sub-section 3.*—As to purchase by the lord of a tenant's interest, see *ante*, Section 11, and notes thereon.

**38.** If a tenant or person claiming to be tenant pays any money in respect of the compensation or consideration for an enfranchisement under this Act, and is afterwards evicted from the land enfranchised, he may claim against the land enfranchised the amount of the money or so much of it as is not charged on the land under the other provisions of this Act, and that amount shall be a charge on the land with interest thereon at the rate of four per cent. per annum from the date of the eviction.

Charge for  
considera-  
tion money  
where  
tenant's  
title proves  
bad.

*Section 38.*—This Section takes the place of Section 47 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51).

. As the lord cannot look into the title of an admitted tenant, it may sometimes happen that a person has been admitted who is not really entitled: hence the words "person claiming to be tenant" protect an admitted tenant whose title eventually turns out bad.

By Section 94 "tenant" is defined as follows:—

- (a) All persons holding by copy of court roll or as customary tenants or holding land subject to any manorial right or incident, and whether the land is held to them and their heirs or to two or more in succession or for life or lives or years, and whether the land is held of a manor or not; and
- (b) Includes a surrenderee by way of mortgage under a surrender entered on the court rolls in possession or in receipt of the rents and profits of the land; and
- (c) Where land is held in undivided shares means the person for the time being in receipt of at least two-thirds of the value of the rents and profits of the land.

Charge for  
money paid  
by mort-  
gagee.

**39.** If a mortgagee pays under this Act any compensation or consideration money or expenses in respect of an enfranchisement of or redemption of a rentcharge on the mortgaged property, the amount so paid shall be added to his mortgage, and the mortgaged property shall not be redeemable without payment of that amount and interest thereon.

*Section 39.*—This Section takes the place of Section 43 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51).

This leaves it quite optional on the mortgagee's part whether he will pay such compensation or consideration or expenses, or for redemption of a rentcharge.

Power to  
advance  
sums re-  
quired for  
purposes of  
Act.

**40.** Any company authorised to make advances for works of agricultural improvement to owners of settled and other estates may, subject and according to the provisions of its Act of Parliament, charter, deed, or instrument of settlement, make advances to owners of settled and other estates of such sums as may be required for the payment of any compensation or consideration for enfranchisement under this Act, or of any expenses chargeable on a manor or land under this Act or otherwise, and take for their repayment a charge for the same in accordance with those provisions respectively.

*Section 40.*—This Section takes the place of Section 23 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

Certificates  
of charge.

**41.** (1) A certificate of charge under this Act shall be under the seal of the Board of Agriculture, and shall be countersigned by the person at whose instance the charge is made.



(2) If the charge is by way of terminable annuity the certificate shall state the amount of the annuity and the term during which it is payable.

(3) If the charge is for a principal sum and interest the certificate shall state the amount of the principal sum and the rate of interest, and shall contain a proviso declaring that the certificate shall be void on payment of the principal with any arrears of interest due thereon at a time specified in the certificate or at the expiration of an ascertained notice.

(4) The manor or land charged by the certificate may be described by reference to the proceedings under this Act in respect of which the charge is made, or otherwise as the Board of Agriculture see fit.

(5) The certificate and the charge made thereby shall be transferable by endorsement on the certificate.

(6) A certificate of charge taken by the lord of any manor or by the tenant or owner of any land shall not merge in the freehold or other estate in the manor or land unless the owner of the charge, by endorsement on the certificate or otherwise, declares in writing his intention that the charge shall merge.

(7) The owner for the time being of a certificate of charge shall have for the recovery of any sum in the nature of interest or periodical payment becoming due under the certificate the like remedies as the owner of a rentcharge under this Act has in respect of his rentcharge, and shall also have, in respect of every sum whether in the nature of interest or periodical payment or principal sum secured by the certificate, the like remedies as a

mortgagee in fee simple of freehold land has in respect of the principal sum and interest secured by his mortgage.

(8) A certificate of charge and a transfer thereof may be in the forms contained in that behalf respectively in the First Schedule to this Act, or in forms to the like effect.

*Section 41.*—This Section takes the place of Sections 29, 30, and 34 to 37 inclusive, of The Copyhold Act, 1858 (21 & 22 Vict. c. 94).

*Sub-section 5.*—For Form of Transfer by Endorsement see Form 3 in the First Schedule to the Act.

*Sub-section 6.*—This Sub-section contemplates a case where the lord may wish to keep the charge alive for his own benefit, or merely as a protection against other charges.

*Sub-section 7.*—The owner of a rentcharge has the remedies specified in Section 27 and notes thereto.

## PART V.

## ADMINISTRATIVE PROVISIONS.

*Notice of Right to Enfranchise.*

**42.** (1) On the admittance or enrolment of any tenant, the steward of the manor shall, without charge, give to the tenant admitted or enrolled a notice of his right to obtain enfranchisement. Notice of right to enfranchise to be given by steward.

(2) The notice shall be in the form contained in that behalf in the First Schedule to this Act, or in a form to the like effect.

(3) If a steward neglects on any admittance or enrolment to give the notice required by this section, he shall not be entitled to any fee for that admittance or enrolment.

*Section 42.*—This Section takes the place of Section 1 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

As to the mode in which notices under this Act must be given see Section 57, *infra*.

*Sub-section 2.*—See Form 4 in the Schedule to the Act, and Form 1, Appendix IV.

*Sub-section 3.*—“Fee for that admittance or enrolment.”—The steward’s fee, like the lord’s fine, depends on custom. There is no general law for all copyholds. The fee can only be ascertained by the particular usage of each manor, and if there be no custom of the manor in evidence, the steward’s right must stand on a *quantum meruit*, and the inquiry must be what he is reasonably entitled to receive (see *Watk. Cop.* p. 19 n).

In the case of *Everest v. Glynn* (6 Taunt. 425), where a copyholder was admitted to six several tenements, and the steward made out a separate admission for each tenement on separate stamps, and charged six times times as much as for one admission, the Court of Common

Pleas held that it did not follow that, because the steward was entitled to his full charge for the first, he was to have six times as much for the others, and held that, though the steward, at the tenant's request, had prepared six several admissions, he was not entitled to six times the fees which were due on the first admission, there being less labour in preparing either of the last five than the first; and, further, that a steward of a manor is entitled to be paid for admissions of a tenant to several copyholds only according to a *quantum meruit*, unless certain fees are proved to be true by the custom of his manor.

A custom in a manor that a steward or his deputy should have the sole right of preparing all the surrenders of copyhold tenements within the manor has in a late case been held good. Such a custom is considered advantageous to the tenants; for the steward is bound to prepare the surrender for a fixed fee, and is likely to be better acquainted with the different customary tenements than a stranger can be (see *Rex v. Rigge*, 2 Barn. & Ald. 550).

*Parties to Proceedings under Act.*

Limited  
owners.

**43.** Anything by this Act required or authorised to be done by a lord or by a tenant may be done by him notwithstanding that his estate in the manor or land is a limited estate only.

*Section 43.*—This Section takes the place of Section 39 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

*"Limited Estate."*—See the definitions of "lord" and "tenant" in Section 94, *infra*.

Trustees.

**44.** (1) Anything by this Act required or authorised to be done by a lord or by a tenant may be done by him notwithstanding that he is a trustee.

(2) Where the lords or the tenants are trustees and one or more of the trustees is abroad or is incapable or refuses to act, any proceedings necessary to be done by the trustees for effecting an enfranchisement under this Act may be done by the other trustee or trustees.

*Section 44.*—This Section takes the place of Sections 39 and 40 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

As to the recovery by a trustee of the expenses of an enfranchisement under this Act properly paid by him see Section 35, Sub-section 2, *supra*.

*Sub-section 2.*—“*Incapable to act.*”—Under this head comes lunacy, and it is conceived unsoundness of mind where the person has not been found lunatic, but is incapable of managing his own affairs. See *re Elizabeth Blake* (W. N. 1887, p. 173).

**45.** When a lord or a tenant or any person interested in an enfranchisement or redemption or sale or otherwise under this Act is an infant or a lunatic, or is abroad or is unknown or not ascertained, anything by this Act required or authorised to be done by or in respect of him shall be done on his behalf, if he is an infant and has a guardian, by his guardian, and if he is a lunatic and there is a committee of his estate, by the committee, and if he is abroad and has an attorney authorised in that behalf, by his attorney, and in every other case by some fit person appointed by the Board of Agriculture to represent him for the purposes of this Act.

Representation of infants, lunatics, &c.

*Section 45.*—This Section takes the place of Sections 11 and 56 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35), and Section 39 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

“*Lunatic.*”—It is apprehended that this includes a person of unsound mind not so found by inquisition; in which case the Board of Agriculture has power under this Section to appoint some fit person to represent the person of unsound mind.

“*Attorney authorised in that behalf.*”—See Section 48, *infra*.

**46.** A married woman being lady of a manor or tenant shall, for the purposes of this Act, be deemed to be a feme sole.

Married woman for purposes of Act to be feme sole.

*Section 46.*—This Section takes the place of Section 39 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73), so far as it deals with the case of a married woman.

This Section applies although the married woman was married and acquired her interest in the manor or in the copyhold tenement, as the case may be, before the passing of The Married Women's Property Act, 1882 (45 & 46 Vict. c. 75).

Steward  
in general  
to represent  
lord.

**47.** (1) A lord for the purposes of this Act may act either on his own behalf, or by his steward, or may appoint an agent other than his steward to act for him.

(2) Unless and until a lord has given to a tenant and to the Board of Agriculture notice in writing that he intends to act on his own behalf, or has appointed an agent (to be named in the notice) other than his steward to act for him, the steward shall for the purposes of this Act represent the lord in all matters of procedure, and the tenant and the Board may treat the steward as the agent of the lord for the purpose of giving and receiving notices, and (except where this Act expressly requires a special authority from the lord) of making agreements, and of all other matters relating to enfranchisement.

*Section 47.*—This Section takes the place of Section 33 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

*Sub-section 1.*—For Form of Appointment by the lord of an agent to act for him see Form 40, Appendix IV.

*Sub-section 2.*—“*Except where this Act expressly requires a special authority from the lord.*”—See Section 23, Sub-section 2, *supra*.

Appoint-  
ment of  
agent by  
power of  
attorney.

**48.** (1) A lord or tenant or other person interested in any proceedings under this Act may by power of attorney appoint an agent to act for him in the execution of this Act.

(2) The power of attorney must be in writing, and must be signed by the person giving it, or, if it is given by a corporation aggregate, be sealed or stamped with the seal of the corporation.

(3) The power of attorney, or a copy thereof authenticated by the signature of two witnesses, must be sent to the Board of Agriculture.

(4) The appointment of an agent under this section may be revoked by the person who gave it sending to the Board notice in writing, signed or sealed as the case requires, of the revocation.

(5) When an agent has been appointed under this section, and the agency is subsisting—

(a) Everything which is by this Act directed or authorised to be done by or in relation to the principal may be done by or in relation to the agent; and

(b) The agent may concur in and execute any agreement or application or document arising out of the execution of this Act; and

(c) Every person shall be bound by the acts of the agent acting within his authority, as if they were the acts of the principal.

(6) A power of attorney under this section may be in the form mentioned in that behalf in the First Schedule to this Act, or in a form to the like effect.

*Section 48.*—This Section takes the place of Sections 39 and 40 of The Copyhold Act, 1858 (21 & 22 Vict. c. 94).

*Sub-section 4.*—For Form of Revocation of Appointment of Agent see Form 41, Appendix IV.

Death  
pending  
proceed-  
ings.

**49.** (1) The proceedings for or in relation to an enfranchisement under this Act shall not abate by the death of the lord or tenant pending the proceedings.

(2) Where an admittance or enrolment is necessary in consequence of the death, the admittance or enrolment shall be made, but no fine, relief, or heriot shall be payable to the lord in consequence of a death or any admittance or enrolment on a death occurring between the date of a notice to enfranchise or a completed agreement for enfranchisement under this Act, and the enfranchisement in pursuance of that notice or agreement, and the compensation shall be ascertained on the same footing as if the enfranchisement had been effected immediately after the commencement of the proceedings.

*Section 49.*—This Section takes the place of Section 41 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35), and Section 31 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

Succession  
of rights —  
and  
liabilities.

**50.** All rights conferred and all liabilities imposed by this Act on a lord or on a tenant shall be held to be conferred and imposed respectively on the successors in title of the lord and tenant unless a contrary intention appears.

*Section 50.*—This Section takes the place of Section 38 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

Power to  
require  
declaration  
as to lord's  
title.

**51.** (1) Before any enfranchisement under this Act the Board of Agriculture may, if they think fit, require the lord or his steward to make a statutory declaration in such form as the Board direct, stating who are the persons for the time being filling the character or acting in the capacity of



lord, the nature and extent of the estate and interest of the lord in the manor, and the date and short particulars of the deed, will, or other instrument under which he claims or derives the title, and the name and style of the person in whose name the court of the manor was last holden, and the date of the holding of that court, and the incumbrances, if any, affecting the manor, and the Board may accept a declaration made under this section for the purposes of this Act.

(2) If the lord or his steward does not make a declaration which he is required to make in pursuance of this section, or if in the opinion of the Board the declaration does not fully and truly disclose all the necessary particulars, or if the lord refuses to give any evidence which the Board think proper and necessary to show a satisfactory *prima facie* title in the lord, or if the Board think that the incumbrancers should be protected, the Board may, if they think the justice of the case requires it, direct the compensation or consideration where it is a gross sum to be paid into Court or to trustees in manner directed by this Act.

(3) Where the lord applies to the Board to effect an enfranchisement under this Act, the Board shall, if the tenant of the land proposed to be enfranchised so requires, satisfy themselves of the title of the lord.

*Section 51.*—This Section takes the place of Section 22 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51), and Section 32 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

*Sub-section 1.*—For Form of Statutory Declaration referred to in this Sub-section see Form 42, Appendix IV.

*Sub-section 3.*—For Form of Application to have the lord's title investigated see Form 43, Appendix IV.

*Questions arising in Proceedings under Act.*

**Boundaries.**     **52.** On an enfranchisement under this Act—

(1) Where the identity of any land cannot be ascertained to the satisfaction of the valuers, if the quantity of the land is mentioned in the court rolls of the manor, and is therein stated to be in statute measure, the land shall be taken to be of that quantity, and in every other case the quantity shall be determined by the valuers :

(2) Where the land is not defined by a plan on the court rolls the valuers shall, if requested in writing by the lord or the tenant, define the boundaries of the land by a plan :

Provided that a plan shall not be made except by agreement between the lord and tenant where it appears by the court rolls or otherwise that the boundaries of the land have been for more than fifty years last past treated as being intermixed with the boundaries of other lands and as being incapable of definition :

(3) Where, after the appointment of valuers, there is any doubt or difference of opinion as to the identity of any land, the lord or tenant may apply to the Board of Agriculture to define the boundaries of the land for the purposes of the enfranchisement, and the Board shall ascertain and define the boundaries in such manner as they think proper :

(4) A plan made under this section and approved by the Board, and a definition of boundaries by the Board under this section, shall be conclusive as between the lord and the tenant.

*Section 52.*—This Section takes the place of Section 42 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

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This Section deals with two matters—

- (i.) The *quantity* of the land to be enfranchised.
- (ii.) The *boundaries* of it.

*Sub-section 1.*—The quantity of the land concerning which an enfranchisement is being carried out is thus determined:—

- (a) Where it is stated in the Court Rolls in Statute measure, that amount is to be final.
- (b) If the quantity is not so stated, the amount must be determined by the valuers.

*Sub-sections 2 and 3.*—These Sub-sections deal with the question of identity and boundaries.

The ordinary rule is that a Copyhold tenant of a manor is bound to keep the boundaries of his tenement distinct, and if he neglect to do so the Court will direct an inquiry for ascertaining the boundaries. If that should be impossible, it will order land of equal value to be set out in substitution. If the tenement is *enfranchised*, the obligation to preserve the boundaries ceases, but the tenant is still liable for default which happened *before* the enfranchisement.

So where the lord of a manor obtained enfranchisement under The Copyhold Act, 1852, reserving a rentcharge to himself, and the boundaries had become confused *before* the enfranchisement, and no steps were taken by either party before such enfranchisement to ascertain them, the rentcharge having fallen into arrear, the owner of it was held entitled to bring an action to ascertain the boundaries of the land charged, and if that could not be done to have land of equal value set out in substitution (*Searle v. Cooke*, 43 C. D. 519; and see *Duke of Leeds v. Earl of Strafford*, 4 Ves. 180).

For a Form of Application to the Board to Define Boundaries see Form 44, Appendix IV.

**53.** (1) If any objection is made or question arises in the course of the valuation in a compulsory enfranchisement under this Act in relation to any alleged custom, or the evidence thereof, or any matter of law or fact material to the valuation or arising on the enfranchisement, the lord or tenant may require, in writing, that the question be referred to the Board of Agriculture, and the

Power for Board to decide questions arising in enfranchisements.

Board shall inquire into and decide the question, and their decision shall, subject to the appeal provided by this section, be final.

(2) Either party may appeal to the High Court by way of special case from a decision of the Board on a matter of law, subject to the following provisions, that is to say:—

- (a) an application to state a case must be made to the Board within twenty-eight days after the decision appealed from :
- (b) the person applying for the case must give to the other party to the inquiry not less than fourteen days' previous notice in writing of the intended application :
- (c) the case shall, if the parties differ, be settled by the Board :
- (d) the judgment of the Court on a special case shall be final and binding on the parties and on the Board.

*Section 53.*—This Section takes the place of Sections 40 and 42 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35); Section 8 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51); and Section 9 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

*Sub-section 1.*—For a Form of Application for Reference to the Board see Form 45, Appendix IV.

The matters which may be referred to the Board are—

1. Any question as to an alleged custom arising in an enfranchisement.
2. Any question as to evidence of the alleged custom.
3. Any matter of *law* or *fact* material to the valuation or arising out of it.

*Sub-section 2 (b).*—For Form of Notice of Application to the Board to State a Case see Form 46, Appendix IV.

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*Sub-section 2 (d).*—There is no appeal from the finding of the High Court in such a case. By The Interpretation Act, 1889 (52 & 53 Vict. c. 63), Section 13, Sub-section 3, the expression "High Court," when used with reference to England, shall mean Her Majesty's High Court of Judicature in England.

**54.** (1) The Board of Agriculture, or a valuer, may, for the purposes of this Act, by summons under the seal of the Board—

Power to call for production of documents and examine witnesses.

(a) call for the production, at such time and place as the Board appoint, of any court rolls or copies of court roll, or any books, deeds, plans, documents or writings relating to any matter before them, in the possession or power of any lord or tenant or steward; and

(b) summon to attend as witness any lord or tenant or other person.

(2) The Board or a valuer may examine any witness on oath and may administer the oath necessary for that purpose.

(3) A lord or tenant summoned under this section shall not be bound to answer any question as to his title.

(4) If any person summoned under this section, to whom a reasonable sum has been paid or tendered for his expenses, without lawful excuse neglects or refuses to attend, or to give evidence, or to produce a document in pursuance of the summons, he shall be liable on summary conviction to a fine not exceeding five pounds.

(5) If any person wilfully gives false evidence in any proceeding under this Act he shall be guilty of perjury.

(6) If any person wilfully destroys or alters any document of which the production is required under this section he shall be guilty of a misdemeanor.

*Section 54.*—This Section takes the place of Sections 43 and 94 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35), and Section 5 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51).

Expenses of  
inquiries  
before  
Board.

**55.** The Board of Agriculture may, if they think fit, order that the expenses of any inquiry by the Board under this Act, including the expenses of witnesses, and of the production of documents, be paid by the parties to the inquiry, and to such person, and in such proportions, as the Board think proper.

*Section 55.*—This Section takes the place of Section 44 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35).

The words in this Section are quite general—"any inquiry by the Board under this Act,"—and give the Board an absolutely free hand in dealing with the costs of any such inquiry. For instance, inquiries may take place under Section 6, Sub-section 9; Section 10; Section 16; Section 51, Sub-section 3; Section 52; and Section 54.

Power to  
transfer  
charges on  
manor to  
other land  
or stock.

**56.** (1) Where, in the course of an enfranchisement under this Act, it is found that a manor or the lord's estate and interest in any land belonging thereto, which may be the subject of enfranchisement, is subject to the payment of a fee-farm rent or to any other charge, the Board of Agriculture may, on the application of the person for the time being bound to make the payment or defray the charge, by order under their seal, direct that the rent or charge shall be a charge on any freehold land specified in the order of adequate value and held

under the same title as the manor or land respectively, or on an adequate amount of Government stocks or funds to be transferred into Court by the direction of the Board or into the names of trustees appointed by the Board.

(2) From and after the sealing of the order the manor and land shall be discharged from the rent or charge, and the rent or charge shall be a charge on the land or the funds specified in that behalf in the order.

(3) There shall, by virtue of this Act, be attached, so far as the nature of the case will admit, to every charge under this section the like remedies, as against the land or funds made subject thereto, for the recovery of the amount charged as might have been had as against the manor or land in respect of the original charge.

*Section 56.*—This Section takes the place of Section 21 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

*Sub-section 1.*—“*Fee-farm rent or any other charge.*”

According to Co. Litt. 142, a fee-farm rent is a rentcharge issuing out of an estate in fee of at least one-fourth of the value of the lands at the time of its reservation (see *Bradbury v. Wright*, Dougl. 627, n. 1). Arrears of a fee-farm rent cannot be recovered for more than six years (*Humfrey v. Grey*, 7 C. B. 567).

Section 44 of The Conveyancing Act, 1881 (44 & 45 Vict. c. 41), indicating the remedies for the recovery of annual sums charged on land, would apply to a fee-farm rent.

The effect of Section 56 of The Copyhold Act, 1894, is to permit the shifting of such charges as are mentioned in the Section from the land to be enfranchised to other *freehold* land held under the same title, or to an adequate amount of Government Stocks (as to which see note on Section 33, *ante*) which has been transferred into Court or into the names of trustees appointed by the Board.

The payment into Court will have to be done in a similar manner to that laid down in Section 32, *ante* (see note to that Section).

*Notices, Instruments, and Forms.***Notices.**

**57.** (1) A notice required or authorised by this Act to be given to any person must be given in writing and may be given—

- (a) By leaving it at his usual or last known place of abode or business in the United Kingdom; or
- (b) By sending it by post in a registered letter addressed to him at that place; or
- (c) Where he is a tenant of any premises, by delivering the notice or a true copy of it to some person on the premises, or if there is no person on the premises to whom it can be delivered with reasonable diligence, by fixing it on some conspicuous part of the premises.

(2) Where a notice is required by this Act to be given by the Board of Agriculture or a valuer and no other mode of giving the notice is directed, the notice may be either in the name of the Board or valuer, as the case may be, or on their behalf respectively in the name of any person authorised by the Board to give notices.

*Section 57.*—This Section takes the place of Section 20 of The Copyhold Act, 1858 (21 & 22 Vict. c. 94), and Section 36 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

It is presumed that as the word "tenant" is used in this Section it will include also the persons mentioned in the definition of "tenant" in Section 94, which need not here be repeated.

**Stamp  
duty.**

**58.** (1) An agreement, valuation, or power of attorney under this Act shall not be chargeable with stamp duty.

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(2) An enfranchisement award shall be chargeable with the like stamp duty as is chargeable in respect of an enfranchisement deed.

(3) A certificate of charge under this Act and a transfer thereof shall be chargeable with the like stamp duty as is chargeable in respect of a mortgage and a transfer of a mortgage respectively.

*Section 58.*—This Section takes the place of Section 93 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35); Section 50 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51); and Section 32 of The Copyhold Act, 1858 (21 & 22 Vict. c. 94).

*Sub-section 2.*—The enfranchisement award, being chargeable in the same way as an enfranchisement deed, falls under the head of “*Conveyance on Sale*” in The Stamp Act, 1891 (54 & 55 Vict. c. 39). See Sections 54, 55, 56, 57, 58, 59, 60, and 61 of that Act, and Alpe’s “*Law of Stamp Duties.*”

In the case of the consideration being a rentcharge, the award will for purposes of stamp duty fall under Section 56, Sub-section 2, of The Stamp Act, 1891.

*Sub-section 3.*—The duties payable in respect of a mortgage, and, therefore, of a certificate of charge under this Act, are regulated by Section 86 of The Stamp Act, 1891.

The stamp duty on a transfer of a mortgage is, for every £100 and also for any fractional part of £100 of the amount transferred, exclusive of interest which is not in arrear, 6d. Transfer duty is charged on the *amount transferred*, even when the sum paid by the transferee for the transfer to the transferor is of less amount.

**59.** The Board of Agriculture may require the payment of all office fees and other expenses of the Board from either lord or tenant requesting the delivery of any award, deed, or order under this Act, before delivering it. Payment  
of office  
fees.

*Section 59.*—This Section takes the place of Section 34 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

Power for  
Board to  
correct  
errors in  
instru-  
ments.

**60.** (1) The Board of Agriculture may at any time if they think fit, on the application of any person interested in an award or deed of enfranchisement or charge or other instrument made or issued or having effect under the provisions of this Act, correct or supply any error or omission arising from inadvertence in that instrument.

(2) Before making an alteration under this section the Board shall give such notice as they think proper to the persons affected by the alteration.

(3) An alteration shall not be made in an instrument relating to a voluntary enfranchisement without the consent in writing of the persons affected by the alteration.

(4) The expenses of and incidental to an application under this section shall be paid by the persons interested in the application or some of them if and as the Board direct.

*Section 60.*—This Section takes the place of Section 35 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35); Section 15 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51); and Section 44 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

*Sub-section 1.*—For Form of Application to the Board to correct or supply an error or omission in Award or Deed of Enfranchisement see Form 47, Appendix IV.

*Sub-section 2.*—An “*omission, mistake, or informality*” in an award or deed of enfranchisement, or in any proceeding relating thereto, is not to render the award or deed impeachable. By Section 60, *ante* (q. v.), the Board may “correct or supply any *error or omission* arising from inadvertence.”

Execution  
of enfran-  
chisement  
instrument

**61.** (1) The confirmation under the seal of the Board of Agriculture of an award of enfranchisement, and the execution by the Board of a deed of

enfranchisement respectively, shall be conclusive evidence of compliance with all the requirements of this Act with respect to proceedings to be taken before the confirmation or execution.

to be conclusive of regularity of proceedings.

(2) An award or deed of enfranchisement shall not be impeached by reason of any omission, mistake, or informality therein or in any proceeding relating thereto, or of any want of any notice or consent required by this Act, or of any defect or omission in any previous proceedings in the matter of the enfranchisement.

*Section 61.*—This Section takes the place of Section 33 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51).

*Sub-section 1.*—As to confirmation by the Board of Agriculture of an award of enfranchisement see Section 10, *ante*, and notes thereto; and as to the execution by the Board of a deed of enfranchisement see Sections 16 and 20 and notes thereto.

**62.** (1) Any person interested in any land enfranchised under this Act may at any time inspect and obtain copies of the court rolls of the manor of which the land was held on payment of a reasonable sum for the inspection or copies.

Inspection of court rolls after enfranchisement.

(2) The Board of Agriculture may, if they think fit, fix a scale of fees to be paid to the steward or person having custody of the court rolls for the inspection and for making extracts or copies.

*Section 62.*—This Section takes the place of Section 20 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51).

The expression "*any person interested*" would include persons having only a limited interest, but probably not a leaseholder or occupier under the owner of the enfranchised tenement.

For Form of Notice of Desire to Inspect and Obtain Copies of the Court Rolls after enfranchisement see Form 48, Appendix IV.

The Court Rolls constitute the evidence of the copyholder's title, and a lord cannot deny the copyholder access to them (see *Stacey's Case*, Lat. 182).

So far as the copyholder is concerned, the lord is but a trustee of the manorial muniments; and any person who can show a *prima facie* title to a copyhold estate is entitled to inspect the court rolls at all reasonable times, and to take copies of them so far as they relate to the copyhold to which he lays claim.

In the case of enfranchisement outside the Act, the copyholder loses his right to inspect the court rolls, and the deed of enfranchisement should therefore contain on the part of the lord a covenant for, or statutory acknowledgment of, the copyholder's right to production of the court rolls. As to the copyholder's right to such a covenant or acknowledgment of right irrespective of agreement on the point see *in re Agg-Gardner* (25 C. D. 600).

It was also formerly necessary in the case of an ordinary enfranchisement by agreement with the lord to take from the lord a covenant for production of the title deeds of the manor; for on enfranchisement the copyhold tenure becomes extinct in the freehold, and in order to show a title absolutely complete to enfranchised lands, both the title under the copyhold tenure and the title under the freehold tenure should be shown. The copyhold tenure exists in point of right for the benefit of all persons who can make title to the same, or show any incumbrance under that tenure, and as the copyhold tenure is extinguished the freehold tenure governs the right to the possession; but a defect in the title under the copyhold tenure would not, as against a stranger, be cured by enfranchisement. Any incumbrances of the owner of the freehold tenure may be considered as affecting the actual possession as far as it is discharged of the copyhold tenure (1 Pres. Abs. 205).

However, by Section 3, Sub-section 2, of The Conveyancing and Law of Property Act, 1881 (44 & 45 Vict. c. 41), it is provided that "where land of copyhold or customary tenure has been converted into freehold by enfranchisement, then, under a contract to sell and convey the freehold, the purchaser shall not have the right to call for the title to make the enfranchisement."

Under this provision, on the sale of enfranchised copyholds the title to the freehold prior to the deed of enfranchisement cannot be called for by the purchaser, and he is, by virtue of Sub-section 3 of the same Section, debarred from requiring the production of deeds or other documents recited or covenanted to be produced or noticed in

the deed of enfranchisement, and must assume, unless the contrary appears, that the recitals in that deed of documents forming part of the prior title to the freehold are correct.

Having regard to the enactment above referred to, it is doubtful whether a copyholder enfranchising by agreement with the lord and irrespective of the present Act would now be entitled to a covenant for acknowledgment of right to production of the muniments of title to the manor (see *in re Agg-Gardner, supra*).

An enfranchisement made under this Act is good independently of the lord's title (see Sections 21 and 26, *supra*).

And by Section 21, Sub-section 1 (ii.) (d), of this Act it is provided that the land enfranchised shall be held under the same title as that under which it was held at the date at which the enfranchisement takes effect, and shall not be subject to any estate, right, charge, or interest affecting the manor (see pp. 42 and 45, *supra*).

**63.** (1) Any person interested in any land included in any enfranchisement or commutation made by apportionment under The Copyhold Act, 1841, may inspect and obtain copies of or extracts from any instrument relating to the enfranchisement or commutation deposited with a clerk of the peace or steward of a manor under that Act.

Evidence  
from in-  
struments  
under  
repealed  
Acts.  
4 & 5 Vict.  
c. 35.

(2) A person requiring under this section inspection of or a copy of or extract from any instrument shall give reasonable notice to the person having the custody of the instrument, and shall pay to him for every inspection a fee of two shillings and sixpence and for every copy and extract a fee at the rate of twopence for every seventy-two words in the copy or extract.

(3) Every recital or statement in, or agreement, schedule, map, plan, document, or writing annexed to a confirmed apportionment made under the said Act shall be sufficient evidence of the matters

recited or stated, and of the accuracy of the map or plan respectively.

*Section 63.*—This Section takes the place of Section 33 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35).

*Sub-section 3.*—“*Sufficient evidence.*”—Presumably the evidence afforded is not to be conclusive, but sufficient, unless inaccuracy can be shown.

Custody of  
court rolls  
after  
enfranchisement.

**64.** (1) When all the lands held of a manor have been enfranchised, the lord, or, with the consent of the lord, any person having custody of the court rolls and records of the manor, may hand over all or any of the court rolls and records to the Board of Agriculture or to the Master of the Rolls.

(2) Where any court rolls or other records are in the custody of the Board of Agriculture, the Board may hand over all or any of them to the Master of the Rolls.

(3) Any person interested in any enfranchised land may inspect and obtain copies of and extracts from any court rolls or records in the custody of the Board, or of the Master of the Rolls, relating to the manor of which that land was held or was parcel, on payment of such reasonable fees as are fixed from time to time by the Board or the Master of the Rolls respectively.

(4) The Master of the Rolls may undertake the custody of court rolls and records handed over to him under this section, and may make rules respecting the manner in which and the time at which inspection may be made and copies and extracts may be obtained of and from the court rolls and records in his custody, and as to the amount and mode of payment of the fees for the inspection, copies, and extracts respectively.

(5) Every rule made under this section shall be laid, as soon as may be, before both Houses of Parliament.

*Section 64.*—This Section takes the place of Section 21 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51), and Section 48 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73). See the notes to Section 62, *supra*.

**65.** The Board of Agriculture shall frame and cause to be printed forms of notices and agreements and such other instruments as in their judgment will further the purposes of this Act, and shall supply any such form to any person who requires it, or to whom the Board think fit to send it, for the use of any lord or tenant desirous of putting this Act into execution.

Board to frame and circulate forms.

*Section 65.*—This Section takes the place of Section 20 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35).

Forms are supplied by the Board of Agriculture under this Section. See Forms marked with an asterisk (thus \*) in Appendix IV., which are forms framed by the Board.

The Board also supplies, for the guidance and assistance of persons desirous of putting the Act into execution, a Minute as to Proceedings on Compulsory Enfranchisement under The Copyhold Act, 1894; a Scale of Compensation in ordinary cases of enfranchisement of copyholds of inheritance framed pursuant to Section 66 of The Copyhold Act, 1894; a Scale of Allowance to Valuers for services performed in respect of enfranchisement under The Copyhold Act, 1894, pursuant to Section 66 of that Act; and a Form of Statement of Information to be furnished to the Board of Agriculture in every case of enfranchisement under this Act. For these see Appendix III.; and see also Section 66, *infra*.

**66.** (1) The Board of Agriculture shall frame and cause to be printed and published—

Board to publish a scale of compensation.

(a) such a scale of compensation for the enfranchisement of land from the several rights

and incidents, including heriots, specified or referred to in this Act, as in their judgment will be fair and just and will facilitate enfranchisement, together with such directions for the lord, tenant, and valuers as the Board think necessary; and

(b) a scale of allowance to valuers for their services in the execution of this Act.

(2) The Board may vary any such scale.

(3) The scales published by the Board under this section shall be for guidance only, and shall not be binding as a matter of law in any particular case.

(4) The person requiring an enfranchisement shall state to the other party to the enfranchisement whether he is or is not willing to adopt the scale of compensation published by the Board.

*Section 66.*—This Section takes the place of Section 30 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

*Sub-section 1.*—For the scales referred to in this Sub-section see Appendix III., Forms B and C.

It will be observed that by virtue of Sub-sections 3 and 4 the adoption of the Scale of Compensation published by the Board of Agriculture is not compulsory.

### *Legal Proceedings.*

Proceedings  
under Act  
not to be  
quashed for  
want of  
form nor  
removed by  
certiorari.

**67.** An order or proceeding under this Act by, or before, or under the authority of the Board of Agriculture, or a conviction under this Act, shall not be quashed for want of form, and shall not be removed by certiorari or otherwise into the High Court or any other court.

*Section 67.*—This Section takes the place of Section 96 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35). See Sections 53 and 93 of the present Act.



## PART VI.

## APPLICATION OF ACT TO SPECIAL MANORS.

68. (1) Where a manor is vested in Her Majesty in right of the Crown or of the Duchy of Lancaster, either in possession or in remainder expectant on an estate less than an estate of inheritance, and either solely or in coparcenary with a subject, and the Commissioners of Woods or the Chancellor and Council of the Duchy of Lancaster, in exercise of the powers vested in them, enter into negotiations for the enfranchisement of any land held of the manor, and cannot agree with the tenant as to the amount of the consideration money to be paid by him for the enfranchisement to the Commissioners or to the Receiver-General of the Duchy of Lancaster as the case may be, the Commissioners or the Chancellor and Council, as the case may be, may, if they think fit, on the request of the tenant, and on an agreement for the enfranchisement being entered into by them and the tenant respectively, refer it to the Board of Agriculture to appoint a surveyor to determine the said amount.

Proceedings for determining compensation in certain enfranchisements of Crown lands.

(2) The Board of Agriculture shall on a reference being made under this section appoint a practical land surveyor for the purposes of the reference, and his award shall be final.

(3) The expenses of and incidental to a reference under this section shall be treated as expenses on a compulsory enfranchisement at the instance of the tenant.

*Section 68.*—This Section takes the place of Section 41 of The Copyhold Act, 1858 (21 & 22 Vict. c. 94).

This Section deals with the manors where the Crown is in actual possession, or has a reversion expectant on an estate less than estate of inheritance. The following Section (Section 69) deals with manors in which the Crown has an estate in remainder or reversion expectant on an estate of inheritance.

The provisions of the Act with regard to compulsory enfranchisement are, by Section 96, Sub-section (b), expressly excluded from applying to manors in which Her Majesty has any estate or interest in possession, reversion, or remainder.

*Sub-section 1.*—The request for a reference to the Board of Agriculture to appoint a surveyor must come from the tenant: neither the Commissioners nor the Chancellor of the Duchy can force the tenant to adopt the course here made optional.

*Sub-section 3.*—As to the expenses see Section 34, *ante*, and notes thereon.

Voluntary  
enfranchisement  
under Act  
in certain  
Crown  
manors.

**69.** (1) Where a manor is vested in Her Majesty in right of the Crown in remainder or reversion expectant on an estate of inheritance, the manor and any land held of the manor may, with the consent in writing of the Commissioners of Woods or one of them, be dealt with under the provisions of this Act with respect to a voluntary enfranchisement, subject to the provisions of this section.

(2) Where the consideration for an enfranchisement under this section is a gross sum it shall either be paid to two trustees to be appointed for the purpose, one by the Commissioners of Woods or one of them, and one by the person for the time being entitled to the rents and profits of the manor, or be paid into Court to the account of *ex parte* Her Majesty the Queen and the person so entitled as aforesaid.

(3) Money paid to trustees or into Court under this section shall be applied,—

(a) in the purchase or redemption of the land tax affecting the manor or any other land settled to the like uses as the manor; or

(b) in the purchase of land in fee simple convenient to be held with the manor; or

(c) in investment on Government or real securities or in any of the investments in which trustees are for the time being authorised by law to invest.

(4) The income of an investment under this section shall be paid to the person for the time being entitled to the rents and profits of the manor.

(5) Where land is purchased with any consideration money under this section, or where the consideration consists of a rentcharge, the land or rentcharge shall be conveyed to the uses, on the trusts, and subject to the powers and provisions then affecting the manor, or as near thereto as circumstances permit.

(6) On the payment of the consideration where it is a gross sum of money, or on or before the execution of the conveyance of the rentcharge, where the consideration is a rentcharge, the Commissioners of Woods or one of them may join with the person for the time being entitled to the rents and profits of the manor in executing a deed of enfranchisement.

(7) The deed shall state in what manner the enfranchisement money, if any, has been applied.

(8) The deed shall, on the enrolment thereof being made in manner provided by this Act, vest in the tenant all the estate, right, and interest of Her Majesty in right of the Crown and of all other persons interested under the settlement of the manor in the land enfranchised, either absolutely or subject to the reservations, if any, contained in the deed.

(9) A trustee appointed under this section by the Commissioners of Woods or one of them shall be indemnified by the Commissioners out of the rents and profits of the possessions and land revenues of the Crown from all costs and expenses, if any, which he incurs in the execution of the trust, and of which he does not obtain repayment out of the trust moneys.

*Section 69.*—This Section takes the place of Sections 42 to 46 and Section 48 of The Copyhold Act, 1858 (21 & 22 Vict. c. 94).

Section 95 (f) of The Copyhold Act, 1894, provides that nothing in the Act, except as therein expressly provided, shall apply to manors or land vested in Her Majesty in right of the Crown; and Section 96 expressly enacts that the powers as to *compulsory* enfranchisement are not to apply to manors in which Her Majesty has any estate or interest in possession, reversion, or remainder.

*Sub-section 1.*—Voluntary enfranchisement is dealt with in Sections 14 to 20 and the notes thereto. By The Interpretation Act, 1889, the expression “the Commissioners of Woods” means “the Commissioners of Her Majesty’s Woods, Forests, and Land Revenues for the time being.” The Commissioners have, it would appear, no seisin of these manors, but the Sovereign is the lord or lady as the case may be. See *Reg. v. The Steward of the Manor of Richmond* (1 A. & E., N. S. 352).

*Sub-section 3 (c).*—As to the investments here mentioned see Section 33, Sub-section 1 (c), p. 66 *et seq.*, *supra*.

*Sub-section 5.*—See Section 33, Sub-section 2.

*Sub-section 8.*—For the manner of enrolment see Section 71.

**70.** A manor vested in Her Majesty in right of the Crown in possession, remainder, or reversion, in joint tenancy or coparcenary with a subject, may, so far as regards the rights and interests of the subject and of the tenant, be dealt with under this Act, and the provisions of this Act relating to enfranchisements in manors vested in Her Majesty in right of the Crown in remainder or reversion expectant on an estate of inheritance shall apply so far as regards the share or interest of Her Majesty.

Enfranchisement in manors held in joint tenancy with the Crown.

*Section 70.*—This Section takes the place of Section 50 of The Copyhold Act, 1858 (21 & 22 Vict. c. 94).

The effect of this Section is to apply the rules regarding ordinary manors to the interests of a lord and tenant where the lord is joint tenant or a coparcener with the Crown: that is, enfranchisements may be made, so far as regards the rights and interests of the subject and of the tenant, either compulsorily or voluntarily; but so far as regards the share or interest of Her Majesty only the powers of voluntary enfranchisement under Section 69 apply. See Section 96 (b).

**71. (1)** The Keeper of Land Revenue Records and Enrolments shall, for the purpose of preserving a record of enfranchisements under this Act of land held of manors vested in Her Majesty, provide a book in which shall be entered a memorial of every deed of enfranchisement of any such land, and of every grant of a rentcharge on the enfranchisement, and of every conveyance of land purchased with the enfranchisement money.

Enrolment of instruments on enfranchisements in Crown manors.

(2) The memorial, where it is of a conveyance of land, shall be accompanied by a plan of the land.

(3) The memorial of any instrument under this section shall be signed by one of the parties to the instrument.

(4) An instrument of which a memorial is required to be enrolled under this section shall not take effect until there has been written thereon a certificate signed by the Keeper of Land Revenue Records and Enrolments, or by any person acting as his deputy or assistant, that a memorial thereof has been lodged at the office of Land Revenue Records and Enrolments.

(5) A certificate purporting to be signed by the Keeper of Land Revenue Records and Enrolments, or by any person acting as his deputy or assistant, shall be admissible as evidence of the facts stated therein.

(6) A copy of the enrolment of the memorial purporting to be signed and certified to be a true copy by the Keeper of Land Revenue Records and Enrolments, or by any person acting as his deputy or assistant, shall be admissible as evidence of the deed or instrument or facts referred to in the memorial.

(7) The Treasury may direct what reasonable fees shall be paid in respect of an enrolment under this section, and fees paid for an enrolment shall be deemed to be expenses of the enfranchisement or purchase, as the case may be, in respect of which the enrolment is made.

*Section 71.*—This Section takes the place of Sections 47 and 49 of The Copyhold Act, 1858 (21 & 22 Vict. c. 94).

The documents which have to be recorded under this Section are—

1. Memorials of deeds of enfranchisement in Crown manors ;
2. Grant of rentcharges in respect of land in such manors ; and
3. Conveyances of land purchased with money arising under such enfranchisements.

**72.** (1) An agreement for an enfranchisement shall not be valid—

- (a) where the manor or land to be affected by the enfranchisement is held under an ecclesiastical or other corporation; or
- (b) where any such corporation or the patron of a living is interested in the manor or land to the extent of one-third of the value thereof; or
- (c) where in the opinion of the Board of Agriculture any such corporation would be affected by the enfranchisement,

Consent of ecclesiastical corporations &c. required to dealings with manors in which they are interested.

unless the agreement is made with the consent in writing of that corporation or person.

(2) A consent under this section must, in the case of a corporation aggregate, be under the seal of the corporation, and in other cases be signed by the person giving it, and must in every case be annexed to the agreement to which it relates.

*Section 72.*—This Section takes the place of Section 22 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35).

This Section is a complete protection to the interests of corporations, and also of a patron of a living, where the enfranchisement of a manor, or which will affect any land held under them, is in question.

*Sub-section 1 (a).*—An ecclesiastical corporation is one where the members are entirely spiritual persons, and may be either sole or aggregate.

By Section 94 the expression “ecclesiastical corporation” means an ecclesiastical corporation within the meaning of The Episcopal and Capitular Estates Act, 1851 (14 & 15 Vict. c. 104), and the Acts amending the same. The definition in that Act is as follows (Section 11):—

“The expression ‘ecclesiastical corporation’ shall include every archbishop, bishop, dean and chapter, dean, archdeacon, canon, prebendary, and other dignitary or officer of any cathedral or collegiate

church in England and Wales, and every minor ecclesiastical corporation in any such cathedral or collegiate church, but shall not include the dean and canons of the cathedral church of Christ in Oxford, or any college or hospital, or any parson, vicar, or perpetual curate, or other incumbent of any benefice."

*Sub-section 1 (b).*—The value here referred to is apparently the capital value of the property.

*Sub-section 2.*—For the provisions relating to agreements as to enfranchisement see Section 14, *ante*, and notes thereto.

For a Form of Consent under this Section by a corporation or other person see Form 49, Appendix IV., which can be adapted for this purpose.

Notice to Ecclesiastical Commissioners in certain cases.

**73.** Where land proposed to be enfranchised under the provisions of this Act with respect to compulsory enfranchisement is held of a manor belonging either in possession or reversion to an ecclesiastical corporation, the Ecclesiastical Commissioners shall have notice of the proceedings, and shall have the like power of expressing assent to or dissent from the proceedings as is provided by this Act with respect to a person entitled in reversion or remainder, and the provisions of this Act with respect to the notice, and the proceedings thereon, shall apply accordingly.

*Section 73.*—This Section takes the place of Section 19 of The Copyhold Act, 1858 (21 & 22 Vict. c. 94).

The Section relating to notice to persons entitled in reversion or remainder is apparently Section 14 (3), and the form therein referred to—Form 26, Appendix IV.—can be adapted to meet the provisions of Section 73. As to service of notices see Section 57 and the notes thereto. Form 49, Appendix IV., can be adapted to the purpose of this Section.

Enfranchisement money for use of spiritual

**74. (1)** Any compensation or consideration money to be paid under this Act for the use of any spiritual person in respect of his benefice or cure may at the



option of the lord be paid to Queen Anne's Bounty, and the receipt of the treasurer shall be a sufficient discharge.

person may  
be paid to  
Queen  
Anne's  
Bounty.

(2) Money paid under this section shall be applied by the Bounty as money in their hands appropriated for the augmentation of the benefice or cure, as the case may be.

*Section 74.*—This Section takes the place of Section 17 of The Copyhold Act, 1858 (21 & 22 Vict. c. 94).

By Section 12, Sub-section 16, of The Interpretation Act, 1889, the expression "Queen Anne's Bounty" means the Governors of the Bounty of Queen Anne for the augmentation of the maintenance of the poor clergy.

Queen Anne's Bounty is regulated by the Act 2 & 3 Anne, c. 11 (sometimes cited as 2 & 3 Anne, c. 20). Many subsequent statutes have made additional provision with respect to it. The compensation or consideration money becomes capitalised under the control of the Bounty for the benefit of the particular benefice or cure in respect of which it has arisen.

**75.** Where on an enfranchisement under this Act it appears to the Board of Agriculture that the enfranchisement might have been effected under The Episcopal and Capitular Estates Act, 1851, or any Act amending the same—

Application  
of enfran-  
chisement  
money  
where  
enfran-  
chisement  
might have  
been under  
14 & 15 Vict.  
c. 104.

(a) The consideration for the enfranchisement shall be paid and applied in like manner as if an enfranchisement had been effected under the said Episcopal and Capitular Estates Act and the Acts amending the same; and

(b) The Church Estates Commissioners and Ecclesiastical Commissioners respectively shall have the same powers over the consideration money and the interest thereon,

and over any land, rentcharges, or securities acquired in respect of the enfranchisement, and over or against any ecclesiastical corporation interested therein respectively, as they would have had if the enfranchisement had been effected with the consent of the Church Estates Commissioners under the said Acts :

Provided that where an ecclesiastical corporation or the Ecclesiastical Commissioners have only a reversionary interest in the manorial rights extinguished by the enfranchisement, the consideration, if it is a gross sum, shall be paid into Court or to trustees, and applied under this Act accordingly until the time when the reversionary interest would if it were not extinguished have come into possession, and the consideration money and the investments thereof shall then be paid or transferred to the Church Estates Commissioners as persons absolutely entitled thereto.

*Section 75.*—This Section takes the place of Section 5 of The Copyhold Act, 1858 (21 & 22 Vict. c. 94).

The Episcopal and Capitular Estates Act, 1851 (14 & 15 Vict. c. 104,) is amended by 17 & 18 Vict. c. 116, and 23 & 24 Vict. c. 128. See also 24 & 25 Vict. c. 105, Section 3, and 25 & 26 Vict. c. 52.

Enfranchisement money may be paid to official trustees of charitable funds on behalf of charity.

**76.** (1) Where a corporation, or any person, lord of a manor held on a charitable trust within the provisions of The Charitable Trusts Acts, 1853 to 1891, is not authorised to make an absolute sale otherwise than under those Acts, or this Act, the compensation or consideration payable to the lord for an enfranchisement or for the redemption or sale of a rentcharge under this Act may at the

option of the lord be paid to the Official Trustees of Charitable Funds in trust for the charity.

(2) Any principal money paid to the Official Trustees under this section shall be applied by them under the order of the Charity Commissioners for the like purposes as if it had been paid into Court under this Act, and in the meantime the money shall be invested, and the income of the investments applied, under the provisions of the said Charitable Trusts Acts with respect to charitable funds paid to the Official Trustees.

*Section 76.*—This Section takes the place of Section 15 of The Copyhold Act, 1838 (21 & 22 Vict. c. 94).

As to the Official Trustees of Charitable Funds see 18 & 19 Vict. c. 124, Sections 15 and 18, and 50 & 51 Vict. c. 49, Section 4.

77. Any compensation or consideration money to be paid under this Act to the use of a corporation, lord of a manor other than a manor held for charitable purposes within the meaning of The Charitable Trusts Act, 1853, and The Charitable Trusts Amendment Act, 1855, may at the option of the lord be paid to trustees appointed by the Board of Agriculture for the purposes of this Act.

Enfranchisement money for use of corporation may be paid to trustees.  
16 & 17 Vict. c. 137.  
18 & 19 Vict. c. 124.

*Section 77.*—This Section takes the place of Section 16 of The Copyhold Act, 1838 (21 & 22 Vict. c. 94).

78. Where any manor belonging to any of the Universities of Oxford, Cambridge, and Durham, or any college therein, or to either of the colleges of St. Mary at Winchester, near Winchester, or King Henry the Sixth at Eton, is held by any person on a lease for a life or lives, or for a term of years granted by any such university or college, that university or college and lessee shall jointly con-

Provision for case of joint lords of manors belonging to universities and colleges.

stitute the lord of the manor within the meaning of this Act, and any rentcharge created under this Act on the enfranchisement of land held of that manor shall be in favour of, and the compensation for the enfranchisement may be paid to, the person who at the date of the enfranchisement is entitled in possession to the profits of the manor, his executors and administrators, but without prejudice to any question as to the further disposal of any money paid in respect of the rentcharge or other compensation respectively. Provided that on the determination of such lease as aforesaid any money so paid or any securities in which the same may have been invested shall be paid or applied as enfranchisement money is directed to be paid and applied by section one of The Universities and College Estates Act, 1858.

21 & 22 Vict.  
c. 44.

*Section 78.*—This Section takes the place of Section 46 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

By Section 100 of this Act (The Copyhold Act, 1894) there is repealed (see the Third Schedule to the Act), *inter alia*, Section 4 of The Universities and College Estates Act Extension Act, 1860; but the Section now under discussion practically re-enacts it.

By Section 1 of The Universities and College Estates Act, 1858 (21 & 22 Vict. c. 44), it is provided that “all moneys which on any such ... enfranchisement ... shall be received by or become payable to or for the benefit of such universities respectively, or for any such college, shall from time to time be paid into the Bank of England, for the benefit of such universities respectively, or of any such college, to an account to be entitled ‘The Account of the Copyhold Commissioners, *Ex parte* the University or the College for whose benefit such moneys shall have been so paid in (describing such university or college by its corporate name), in the matter of this Act,’ and the receipt of the said Copyhold Commissioners shall be an effectual discharge to any purchaser or other person for any money therein expressed to be received, and all moneys so paid into the Bank of England shall be . . . . . laid out by such university or

college, with such consent as aforesaid, in the purchase of other lands in fee simple, or of any lands of a leasehold tenure (such leaseholds to be holden for a term of not less than five hundred years yet to come and unexpired at the time of such purchase, at a nominal rent, and to be contiguous to or convenient to be held with any other lands belonging to such universities respectively, or to any such college); such lands to be conveyed and assigned respectively to the use or for the benefit of such university or college, and to be held together with any lands received in exchange by such university or college upon the like trusts and for the like purposes as the lands sold or given in exchange by such university or college respectively; and the moneys from time to time remaining unapplied for the purposes aforesaid shall be invested by and in the names of the said Copyhold Commissioners to the account aforesaid in the purchase of Government stocks, funds, or securities, which the said Copyhold Commissioners shall hold in trust for such university or college, and the said Copyhold Commissioners may sell and dispose of the same for the purposes of this Act as occasion may require, and in the meantime the interest, dividends, and annual proceeds of such moneys, stocks, funds, and securities shall be paid to such university or college, to be applied to the same purposes as the annual income was applicable which arose out of the lands from the sale, enfranchisement, or exchange of which the money invested in such stocks, funds, or securities was produced. Provided that, except as hereafter is mentioned, nothing in this Section contained shall apply to any estate of the universities respectively, or any such college as aforesaid, in reversion in lands expectant upon any lease for a life or lives, or for a term of years whereof more than seven shall be unexpired on which a rent less than three-fourths of the clear yearly value of such lands shall have been reserved, except when the lessee has a right of renewal."

**79.** The following provisions shall apply to every manor in which the fines are certain, and in which it is the practice for copyholders in fee to grant derivative interests to persons who are admitted as copyholders of the manor in respect of those interests:—

Provisions where derivative interests are entered on rolls.

- (1) In the application of this Act to any such manor the tenant shall be the person who

is admitted or enrolled in respect of the inheritance, and that person is in this section called the tenant-in-fee.

- (2) The enfranchisement of land to a tenant-in-fee shall enure for the benefit of every person having any customary estate or interest in the land at the date of the enfranchisement, and every such person shall become entitled to an estate or interest in the land corresponding with his customary estate or interest.
- (3) All rentcharges payable in respect of the enfranchisement, and all sums of money payable by a tenant-in-fee for compensation or the expenses of enfranchisement, and the interest thereon, shall, if the parties do not otherwise agree, be borne and paid by the several persons for whose benefit the enfranchisement enures in proportion to their respective interests in the enfranchised land.
- (4) If a dispute arises respecting the apportionment of any such charge or payment, the Board of Agriculture may, on the application of any person interested, after due inquiry, make an order apportioning the same.
- (5)—
  - (a) On the request of the lord, or of one fourth in number of the copyholders for the time being on the court roll of the manor, and on such provision being made for expenses as the Board

require, the Board may make a local inquiry for the purpose of ascertaining whether the copyholders of the manor desire that an enfranchisement be effected throughout the manor :

- (b) If the Board find that not less than two thirds in number of the copyholders desire the enfranchisement, they shall make an order declaring that enfranchisement of all copyhold tenements of the manor shall take place, and they shall thereupon proceed to ascertain the compensation payable to the lord on the enfranchisement of each tenement held by a tenant-in-fee, and to effect the enfranchisement of that tenement accordingly. The compensation in every case shall consist of a gross sum of money, unless the lord and tenant-in-fee otherwise agree :
- (c) When an order declaring enfranchisement as aforesaid has been made—
  - (i.) all the tenants-in-fee shall contribute rateably to the expenses of the inquiry according to the amount of compensation payable by them respectively ;
  - (ii.) the tenant-in-fee and all copyholders holding derivative interests in the same tenement shall contribute rateably, according to the value

of their respective interests, to the compensation, and to all expenses attending the enfranchisement payable by the tenants, including the contribution of the tenant-in-fee to the expenses of the inquiry ;

(iii.) the Board may apportion the contributions between the several tenants-in-fee, and also between the several tenants of each tenement, and may make orders for the payment of the contributions and expenses by the persons from whom they are due ;

(iv.) the Board shall not without the consent of the tenant-in-fee make an award for the enfranchisement of any tenement until they have apportioned the contributions between the tenant-in-fee and the tenants holding derivative interests in the tenement, and have made orders for payment of, or have satisfied themselves that the tenant-in-fee has full security for, the amounts which the tenants of derivative interests are to contribute :

(6) Every order of apportionment made by the Board shall be binding on all persons interested in the apportionment, and the expenses of and incident to the apportion-



ment shall be paid by those persons, or any of them, as the Board direct.

*Section 79.*—This Section takes the place of Section 47 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

*Primâ facie* all copyhold fines are uncertain: to prove them otherwise a custom must be shown. A fine is said to be certain when the quantum is fixed and definite, not alterable at the will of the lord. A fine need not be absolutely certain. It is sufficient if it be ascertainable. The Court Rolls of the manor determine whether the fines are certain or uncertain.

The Section only applies in those manors where both the conditions mentioned in it are satisfied: that is—(a) where the fines are certain, and (b) where it is the practice of the copyholders in fee to grant derivative interests, a record of which is entered on the rolls.

*Sub-section 1.*—The definition of “tenant” in Section 94 must in construing this Section 79 be read in the light of the restricted meaning placed on it in this Sub-section—that is, as being “*the person who is admitted or enrolled in respect of the inheritance.*” Throughout the Section the term used is “tenant-in-fee.”

*Sub-section 2.*—“*Any customary estate or interest*”: that is, such a derivative interest as it has been the practice in the manor to put on the court rolls.

*Sub-sections 3 and 4.*—Form 34, Appendix IV., can be adapted to the case of an application under these Sub-sections to the Board of Agriculture to intervene in a dispute as to the apportionment of the expenses amongst the persons interested.

*Sub-section 5.*—*One fourth* in number of the copyholders of such a manor as is referred to in this Section may apply, or the lord may do so, for a local inquiry as to whether the copyholders of a manor desire enfranchisement; but it takes *two thirds* in number of the copyhold tenants to make it obligatory on the Board to order enfranchisement.

For a Form of Request by the lord or tenants for a local inquiry under this Sub-section see Form 50, Appendix IV.

**80.** (1) The Board of Agriculture may by order under their seal direct that a part of a manor specified in the order shall be considered as a manor for the purpose of effecting an enfranchisement

Application  
of Act to  
part of  
manor.

under this Act, and all the provisions of this Act shall apply accordingly.

(2) An order shall not be made under this section for the purposes of a voluntary enfranchisement without the consent of the lord in writing under his hand and seal.

*Section 80.*—This Section takes the place of Section 102 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35), and Section 52 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51).

*Sub-section 1.*—This is one of the powers of the Board of Agriculture which cannot be delegated by it to one of its officers (see Section 91).

## PART VII.

## GENERAL LAW OF COPYHOLDS.

81. (1) It shall not be lawful for the lord of any manor to make grants of land not previously of copyhold tenure to any person to hold by copy of court roll, or by any customary tenure, without the previous consent of the Board of Agriculture.

Restraint  
on creation  
of new  
copyholds.

(2) The Board of Agriculture in giving or withholding their consent to a grant under this section shall have regard to the same considerations as are to be taken into account by them in giving or withholding their consent to an inclosure of common lands.

(3) When a grant has been lawfully made under this section the land therein comprised shall cease to be of copyhold tenure, and shall be vested in the grantee thereof to hold for the interest granted as in free and common socage.

*Section 81.*—As custom is the life of copyholds, a new grant of land to be held by copy of court roll can only be made by force of an Act of Parliament or special immemorial custom within the manor of which the land forms parcel (see *Doe dem. Lowe v. Davidson*, 2 *Mau. & Selw.* 184; *Steel v. Pricket*, 2 *Star.* 470; and *Att.-Gen. v. Tomline*, 5 *C. D.* 750, 15 *ib.* 150). And now, by virtue of the provisions of this Section, which takes the place of Section 6 of The Copyhold Act, 1887 (50 & 51 *Vict. c. 73*), such a grant, though the lord have the warrant of immemorial custom, cannot be made without the previous consent of the Board of Agriculture, and if consented to by the Board *ipso facto* (*Sub-section 3*) amounts to an enfranchisement.

Any question as to the lord's right by custom to make new grants can practically only arise in respect of waste lands forming part of the demesnes of the manor.

It has been said that where the seashore or a river bed forms part of a manor there have been similar customs of granting fishing places as fresh copyholds. The case of *Att.-Gen. v. Emerson* [1891] (App. C. 649, 658) is usually relied upon in support of this; but it is not at all clear that the "kiddle places" there referred to had not been immemorially granted by copy of court roll. Probably, however, a foreshore or river bed, where parcel of a manor, must be taken as constituting a portion of the waste.

Mr. Watkins, in his treatise on Copyholds, p. 145, note, expresses the opinion that where within a manor there is a custom for the lord to grant parcels of the waste to hold by copy of court roll, the consent of the homage and a forbearance in favour of commonage can be no further necessary than the custom requires. This, however, is open to great doubt, at least where the copyholders have a right of common over the waste of the manor; for a custom for the lord to grant portions of the waste without limit or restriction would be inconsistent with such right (see *Arlett v. Ellis*, 7 B. & C. 346; and *Lord Northwick v. Stanway*, 3 Bos. & P. 347).

Where copyhold lands come to the hands of the lord by forfeiture, escheat, or otherwise, and he, being seised in fee simple of the manor, makes a common law assurance of them by deed, or even by parol (see *French's Case*; 4 Co. R. 31a, and *Lee v. Boothby*, Cro. Cav. 521), such lands cease for ever thereafter to be demisable by copy of court roll. But if the lord keep such lands in his own hands, or let them at will only, he may again grant them out by copy, even after a period exceeding the statutory period of limitation, for they were always demisable by copy (see Co. Litt. 58b).

There is authority for contending that by special custom copyholds which have been extinguished in manner above mentioned may be revived (*Bishop of London v. Rowe*, 3 Keb. 124; *Kempe v. Carter*, 1 Leon, 55; *Scriven*, 6th ed. p. 30). The proposition is, however, open to doubt, for to enable the lord to make a re-grant of the lands escheated they must have continued the subject of immemorial custom and demisable by copy, and where the lord conveys them by a common law assurance the custom is interrupted (see Co. Litt. 58b, and *French's case*, *supra*).

In voluntary grants the quantity of the lord's estate is immaterial

so long as such estate be lawful and in possession (Co. Cop. Section 34).

*Sub-section 2.*—The rights and duties of the Inclosure Commissioners were transferred to and vested in the Board of Agriculture by The Board of Agriculture Act, 1889 (52 & 53 Vict. c. 30).

*Sub-section 3.*—It will be observed that where a grant has been made with the consent of the Board of Agriculture under this Section it operates as an enfranchisement, the land granted ceasing to be of copyhold tenure, and vesting in the grantee for the interest granted in free and common socage.

*“Free and common socage.”*—See note to Section 21, Sub-section 1 (a), *supra*, p. 43.

- 82. (1)** A customary court may be held for a manor—
- (a) although there is no copyhold tenant of the manor; and
- (b) although there is no copyhold tenant or only one copyhold tenant present at the court; and
- (c) either by the lord or steward or deputy steward.
- (2) A court held under the authority of this section shall be a good and sufficient customary court for all purposes:

Power to hold customary court though no copyholder present.

Provided as follows:—

- (a) A proclamation made at the court shall not affect the right or interest of any person not present at the court unless notice of the proclamation is duly served on him within one month after the holding of the court; and

- (b) This section shall not apply to a court held for the purpose of receiving the consent of the homage to a grant of common or waste land to hold by copy of court roll.

*Section 82.*—This Section takes the place of Section 86 and 91 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35).

*"Customary Court."*—The customary court is frequently confounded with the court baron. The court baron, however, was the court of the freeholders of the manor, and in it the suitors were the judges, whereas in the customary court held for the copyholders, whose claim was based on custom, the lord or his steward was the judge.

A court baron is essential to the existence of a manor, and no court baron can be without two suitors at least. However, where the court baron has ceased to exist, the proprietor of the demesnes retains a reputed manor or a manor by reputation; and prescriptive or customary franchises or rights annexed to a manor are not in general lost by the failure of suitors to the court baron (*Soane v. Ireland*, 10 East, 259). Indeed, for many purposes a reputed manor is regarded in the same light as an actual legal manor.

As the practice of holding courts baron has in general become obsolete, it has in most manors become impossible to say who are the freehold tenants, or even if there are any, and at the present day it is probable that by far the greater number of the manors in the kingdom are but manors by reputation.

*Sub-section 1 (a):*—The holding of the customary court, although there should no longer be tenants holding of the manor by copy, may still be useful for the purpose of keeping alive the notoriety of alleged manorial rights and franchises (see *Soane v. Ireland*, *supra*, and *Doe d. Beck v. Heakin*, 6 Ad. & El. 495).

(b) Independently of this enactment, the presence of copyhold suitors is not absolutely necessary to the holding of a customary court (see *Lord Dacre's Case*, 1 Leon, 288; *Scrogg's Practice of Courts Leet and Courts Baron*, 88).

*Sub-section 2 (a):*—As to the mode in which customary courts should be convened and the making of proclamations see *Watk. Cop. vol. 2, App. No. 49*).

(b) See Section 81 and the notes thereto, *supra*.

**83.** Where a lord may grant land to hold by copy of court roll or by any customary tenure the grant may be made—

Power to make grants out of manor and out of court.

- (a) out of the manor; and
- (b) without holding a court; and
- (c) either by the lord or steward or deputy steward :

Provided that where by the custom of a manor the lord is authorised with the consent of the homage to grant any common or waste lands to hold by copy of court roll, this section shall not authorise the lord to make the grant without the consent of the homage assembled at a customary court.

*Section 83.*—This Section takes the place of Sections 87 and 91 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35).

It would seem that, independently of enactment, the lord might make grants out of court, and without the precincts of the manor (see *Melwick's Case*, 4 Co. R. 26b, and *Lord Dacre's Case*, Leon, 288). Whether the steward had a like power is, however, very doubtful (see *Doe dem. Leach v. Whitaker*, 5 B. & Ad. 409 at p. 435).

As to special custom enabling the lord of a manor to grant waste lands to hold by copy see Section 81 and the notes thereto, *supra*.

**84.** (1) A valid admittance to land of copyhold or customary tenure may be made—

Manner of making admittance.

- (a) out of the manor; and
- (b) without holding a court; and
- (c) without a presentment by the homage of the surrender, instrument, or fact in pursuance of which the admittance is made; and
- (d) either by the lord or steward or deputy steward.

(2) Any person entitled to admittance may be admitted by his attorney duly appointed whether orally or in writing.

*Section 84.*—This Section takes the place of Sections 88 and 90 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35), and Section 2 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

Admittance is the lord's acceptance of a person into the tenancy (Watk. Cop. vol. 1, p. 309).

It is apprehended that, independently of any enactment contained in the Copyhold Acts, the lord of a manor could admit out of court and out of the manor (Co. Cop. Section 44; Co. Litt. 61b; and *Doe dem. Leach v. Whitaker*, 5 B. & Ad. p. 435).

"*Presentment.*"—Independently of enactment, it would seem that presentment of a surrender is only necessary where the surrender is made out of court into the hands of any who cannot thereupon make an admittance, or, if no admittance were immediately made, by a person enabled to admit (Watk. Cop. vol. 1, p. 79; and see *Gilb. Ten.* pp. 278, 279).

Surrenders  
&c. out of  
court to be  
entered on  
court rolls.

**85.** (1) Every surrender and deed of surrender which a lord is compellable to accept or accepts, and every will a copy of which is delivered to him either at a court at which there is not a homage assembled or out of court, and every grant or admittance made in pursuance of this Act, shall be entered on the court rolls.

(2) An entry made in pursuance of this section shall be as valid for all purposes as an entry made in pursuance of a presentment by the homage.

(3) The steward shall be entitled to the same fees and charges for an entry under this section as for an entry made in pursuance of a presentment by the homage.

*Section 85.*—This Section takes the place of Section 89 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35).

As to the necessity for entry on the court rolls see Watk. Cop. vol. 2, p. 85.



**86.** (1) A lord may, notwithstanding any custom to the contrary, grant a licence to a tenant to alienate his ancient tenement or any part thereof by devise, sale, exchange, or mortgage, and either together or in parcels.

Power to alienate ancient tenements in portions with licence of lord.

(2) On the alienation under this section of a part of a tenement, or of a tenement in parcels, the lord may apportion the yearly customary rent payable for the whole tenement.

(3) A parcel alienated under this section shall be subject to its apportioned part of the customary rent, and shall be held of the lord of the manor in all respects and be conveyed in like manner as the original tenement.

(4) A licence under this section must be in writing and must be entered on the court rolls.

(5) A steward may give a licence under this section if authorised in writing by the lord, but not otherwise.

*Section 86.*—This Section takes the place of Section 92 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35).

As to the effect of alienation of part of an ancient tenement upon the customary fines see *Holland v. Lancaster* (2 Ventr. 134).

Exchange is usually effected by the copyholders desiring to exchange each surrendering to the use of the other, and by each being admitted accordingly. It is, however, sometimes effected by deed under 4 & 5 Will. IV. c. 30.

**87.** In an action for the partition of land of copyhold or customary tenure the like order may be made as may be made with respect to land of freehold tenure.

Partition of copyhold land.

*Section 87.*—This Section takes the place of Section 85 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35).

Before the passing of The Copyhold Act, 1841, the Courts of Equity

had no jurisdiction to decree partition of copyholds (*Horncastle v. Charlesworth*, 11 Sim. 315), or of customary freeholds (*Joze v. Morshead*, 6 Beav. 213).

But where there were both freeholds and copyholds to be divided there might be a partition in a sense by giving all the freeholds to one and all the copyholds to the other (*Horncastle v. Charlesworth* *ut supra*, and *Dillon v. Coppin*, 6 Beav. 217 n.). And specific performance of an agreement to divide copyholds would have been enforced by decree directing the parties to make mutual surrenders (*Bolton v. Ward*, 4 Hare, 530).

Descent of  
trust and  
mortgage  
estates in  
copyholds.

**88.** Section thirty of The Conveyancing and Law of Property Act, 1881, shall not apply to land of copyhold or customary tenure vested in the tenant on the court rolls on trust or by way of mortgage.

*Section 88.*—This Section takes the place of Section 45 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

As to the effect of this Section see *in re Mill's Trust* (37 C. D. 312; 40 ib. 14). However, as this Section, like the Section which it takes the place of, is applicable only to "land of copyhold or customary tenure vested in the tenant on the court rolls," it is apprehended that a mere right to admittance (as, for instance, the right of a mortgagee to be admitted on a conditional surrender) would still devolve under the provisions of Section 30 of The Conveyancing Act, 1881.

Receipt for  
considera-  
tion where  
under 500l.  
for enfran-  
chisement  
not under  
Act.

**89.** (1) Where an agreement for enfranchisement is made independently of this Act, and the consideration for the enfranchisement is a gross sum and does not exceed five hundred pounds, the lord may make a statutory declaration stating the particulars of his estate and interest in the manor.

(2) If the declaration shows that the lord is entitled to make the enfranchisement, and to receive the consideration money for his own use, an enfranchisement by the lord shall be valid, and the lord's receipt for the consideration money shall effectually discharge the person paying it from

being bound to see to the application or being answerable for any loss or misapplication thereof.

(3) Where a lord receives as the consideration for an enfranchisement within this section any money to which he is not in fact entitled for his own use, he shall be deemed to have received the money as trustee for the persons who are entitled thereto. .

*Section 89.*—This Section takes the place of Section 26 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

The Section, in fact, gives statutory validity to a voluntary enfranchisement made irrespective of the provisions contained in Part II. of the Act if the consideration is a gross sum not exceeding £500, and the lord can make a statutory declaration showing that he is entitled to make the enfranchisement, and to receive the consideration money for his own use.

## PART VIII.

## AUTHORITY FOR EXECUTION OF ACT.

Board of  
Agriculture  
to make  
annual  
report.

**90.** The Board of Agriculture shall in every year make a general report of their proceedings in the execution of this Act, and the report shall be laid before both Houses of Parliament as soon as may be after it is made.

*Section 90.*—This Section takes the place of Section 3 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35). A special provision is made in Section 12, Sub-section 2, that “where the Board suspend a proposed enfranchisement under this Section they shall state their reasons for doing so in their *annual report*.”

The Board of Agriculture was established by The Board of Agriculture Act, 1889 (52 & 53 Vict. c. 30), and by Section 2, Sub-section 1 (b), the powers and duties of the Land Commissioners under the Copyhold Acts were transferred to the Board. Those powers and duties were in the first instance vested in the Copyhold Commissioners, a body established by the Copyhold Acts, and who, together with the Inclosure Commissioners for England and Wales and the Tithe Commissioners for England and Wales, were by Section 48 of The Settled Land Act, 1882 (45 & 46 Vict. c. 38), merged into one body, thenceforth to be called “The Land Commissioners for England.” The first five Sub-sections of the Section of the Settled Land Act before referred to (being the portion of such Section by which the Land Commission was established) were repealed by The Board of Agriculture Act, 1889 (see Section 13 of the Act and the Schedule thereto).

By Section 1 of The Board of Agriculture Act, 1889, it is enacted as follows:—

- (1) There shall be established a Board of Agriculture, consisting of the Lord President of the Council, Her Majesty's Principal Secretaries of State, the First Commissioner of Her Majesty's Treasury, the Chancellor of Her Majesty's Exchequer, the Chancellor of the Duchy of Lancaster, and the Secretary for Scotland, and such other persons (if any) as Her Majesty the Queen may from time to time

think fit to appoint during Her Majesty's pleasure, provided that the Board shall not be entitled to act unless the President or one of the officers of State above mentioned is present.

- (2) It shall be lawful for Her Majesty the Queen from time to time to appoint any member of the Privy Council to be President of the Board during Her Majesty's pleasure.
- (3) The Board shall be deemed to be established on the appointment of the President thereof.

Section 6 enacts—

- (1) The Board of Agriculture may sue and be sued, and may for all purposes be described by that name.
- (2) The Board shall have an official seal, which shall be officially and judicially noticed, and such seal shall be authenticated by the signature of the President or some member of the Board, or of the secretary, or some person authorised by the President of the Board to act on behalf of the secretary.
- (3) In the execution and discharge of any power or duty transferred to the Board of Agriculture by or in pursuance of this Act the Board shall adopt and use the style and seal of the Board of Agriculture and no other.

Section 7 enacts—

- (1) Every document purporting to be an order, licence, or other instrument issued by the Board of Agriculture, and to be sealed with the seal of the Board, authenticated in manner provided by this Act, or to be signed by a secretary or any person authorised by the President of the Board to act on behalf of the secretary, shall be received in evidence, and be deemed to be such order, licence, or instrument, without further proof, unless the contrary is shown.
- (2) A certificate signed by the President or any member of the Board of Agriculture that any order, licence, or other instrument purporting to be made or issued by the Board is so made or issued shall be conclusive evidence of the fact so certified.

The Public Authorities Protection Act, 1893 (56 & 57 Vict. c. 61), may be consulted as to the protection of persons (which includes bodies such as the Board of Agriculture) acting in the execution of a

statutory or other public duty. The Act came into operation on the 1st January, 1894, and, amongst other things, enacted that no action, prosecution, or proceeding should lie for any act, neglect, or default within the purview of the Act unless brought within six months after the act &c., or, in the case of a continuance of injury or damage, six months after its ceasing.

Delegation  
of powers  
of Board.

**91.** (1) The Board of Agriculture may delegate to any officer of the Board any of their powers under this Act except the power to confirm agreements or awards, or to frame forms, or to do any act required by this Act to be done under the seal of the Board.

(2) The powers so delegated shall be exercised under such regulations as the Board direct.

(3) The Board may recall or alter any power delegated under this section, and may, notwithstanding the delegation, act as if no delegation had been made.

(4) All acts done by an officer of the Board lawfully authorised in pursuance of this section shall be obeyed by all persons as if they proceeded from the Board, and the non-observance thereof shall be punishable in like manner.

*Section 91.*—This Section takes the place of Section 10 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35).

The powers of the Board which cannot be delegated are as follows:—

- (a) The power to confirm agreements or awards.

As to awards see Section 10.

As to agreements see Section 16.

- (b) To frame forms.

See Section 66.

- (c) To do any act required by this Act to be done under the seal of the Board.

See (among other Sections) Section 11 (5), Section 31 (1), and Section 41 (1).

**92.** (1) A member or officer of the Board of Agriculture and a valuer or umpire appointed under this Act, and their agents and servants respectively, may enter on any land proposed to be dealt with under this Act, and may make all necessary measurements, plans, and valuations of the land.

Power of entry for purposes of Act.

(2) A person before entering on land under this section must give reasonable notice of his intention to the occupier of the land.

(3) If a person does any injury in the execution of the powers of this section he shall make compensation therefor.

*Section 92.*—This Section takes the place of Section 6 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51).

*Sub-section 2.*—For Form of Notice of Intention to Enter upon Land under this Section see Form 51, Appendix IV.

The notice should be in writing (see Section 57).

What may be a "*reasonable notice*" may require judicial interpretation, but three clear days suggests itself as a proper period.

**93.** If any person obstructs or hinders a member or officer of the Board of Agriculture or a valuer or umpire acting under the powers of this Act, he shall be liable on summary conviction to a fine not exceeding five pounds.

Penalty for obstructing persons administering Act.

*Section 93.*—This Section takes the place of Section 51 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51).

This liability would be enforced under the Summary Jurisdiction (England) Acts, being The Summary Jurisdiction Act, 1848, and The Summary Jurisdiction Act, 1879, and any Act, past or future, amending those Acts, or either of them.

## PART IX.

## DEFINITIONS, SAVINGS, AND REPEAL.

Interpreta-  
tion.

**94.** In this Act unless the context otherwise requires—

The expressions “admittance” and “enrolment” include every licence of any assurance, and every ceremony, act, and assent, whereby the tenancy or holding of a tenant is perfected, and the expressions “admit” and “enrol” have corresponding meanings:

The expression “ecclesiastical corporation” means an ecclesiastical corporation within the meaning of The Episcopal and Capitular Estates Act, 1851, and the Acts amending the same:

The expression “enfranchisement” includes the discharge of freehold lands from heriots and other manorial rights:

The expression “heriot” includes a money payment in lieu of a heriot:

The expression “land” includes an undivided share in land:

The expression “lord” means a lord of a manor whether seised for life or in tail or in fee simple, and whether having power to sell the manor or not, or the person for the time being filling the character of or acting as lord, whether lawfully entitled or not, and includes all ecclesiastical lords seised in right of the church or otherwise,



and lords farmers holding under them,  
and bodies corporate or collegiate :

The expression "manor" includes a reputed manor :

The expression "rent" includes reliefs and services (not being services at the lord's court), and every payment or render in money, produce, kind, or labour due or payable in respect of any land held of or parcel of a manor :

The expression "steward" includes a deputy steward and a clerk of a manor and any person for the time filling the character of or acting as steward, whether lawfully entitled or not :

The expression "tenant"—

- (a) includes all persons holding by copy of court roll or as customary tenants or holding land subject to any manorial right or incident, and whether the land is held to them and their heirs or to two or more in succession or for life or lives or years, and whether the land is held of a manor or not ; and
- (b) Includes a surrenderee by way of mortgage under a surrender entered on the court rolls in possession or in receipt of the rents and profits of the land ; and
- (c) Where land is held in undivided shares means the person for the time being in receipt of at least two-thirds of the value of the rents and profits of the land.

The expression "valuer" includes an umpire.

*Section 94.—*

*"Admittance"* and *"Enrolment."*—The definition here given of these expressions takes the place of the similar definition contained in Section 49 of The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

With regard to admittance see the notes to Section 1, *supra*, p. 7 *et seq.*, and also the notes to Sections 42 and 84, *supra*, pp. 83 and 127.

*"Ecclesiastical Corporation."*—The definition of this expression given in The Episcopal and Capitular Estates Act, 1851, is as follows :—  
" 'Ecclesiastical corporation' shall include every archbishop, bishop, dean and chapter, dean, archdeacon, canon, prebendary, and other dignitary or officer of any cathedral or collegiate church in England and Wales, and every minor ecclesiastical corporation in any such cathedral or collegiate church, but shall not include the dean and canons of the cathedral church of Christ in Oxford, or any college or hospital, or any parson, vicar, or perpetual curate, or other incumbent of any benefice."

The Acts amending The Episcopal and Capitular Estates Act, 1851, are 17 & 18 Vict. c. 116 (Sections 2, 6, and 8) and 23 and 24 Vict. c. 124 (see Section 28) ; but these amending Acts do not apparently affect the above definition.

*Enfranchisement.—Heriot.*—The definition here given of these words takes the place of the similar definition in Section 102 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35).

As to heriot see the notes to Section 2, *supra*, p. 10, *et seq.*

*Land.*—This definition takes the place of the definitions of the expression "land" given in Section 15 of The Copyhold Act, 1843 (6 & 7 Vict. c. 25), and Section 52 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51). Land, by Section 3 of The Interpretation Act, 1889, includes messuages, tenements, and hereditaments, houses, and buildings of any tenure.

*Manor.*—This definition takes the place of the definition given in Section 102 of The Copyhold Act, 1841.

See the notes to Section 82, *supra*.

*Rent.*—This definition takes the place of the definitions of the word "rent" given by Section 102 of The Copyhold Act, 1841, and Section 49 of The Copyhold Act, 1887. And see the notes to Section 2, *supra*, p. 12.

*Steward.*—This definition takes the place of the definitions of the expression "steward" contained in Section 102 of The Copyhold Act, 1841, and Section 52 of The Copyhold Act, 1852.

See also the notes to Section 47, *supra*, p. 86.

*Tenant.*—This definition takes the place of the definitions of the word “tenant” given in Section 102 of The Copyhold Act, 1841; Section 53 of The Copyhold Act, 1852; Section 38 of The Copyhold Act, 1858 (21 & 22 Vict. c. 94); and Section 49 of The Copyhold Act, 1887. And see the notes to Section 1, *supra*, pp. 7 and 8.

*Valuer.*—See Sections 5, 6, and 7, *supra*, and the notes thereto.

**95. Nothing in this Act—**

General  
savings.

- (a) Shall affect the custom of gavelkind in the county of Kent; or
- (b) Shall authorise a lord to enclose any common or waste land; or
- (c) Shall revive any right to fines or other manorial claims which are at any time barred by any statute of limitations; or
- (d) Shall interfere with any enfranchisement which may be made independently of this Act; or
- (e) Shall interfere with the exercise of any powers contained in any other Act of Parliament; or
- (f) Shall, except as in this Act expressly provided, apply to manors or land vested in Her Majesty in right of the Crown or of the Duchy of Lancaster; or
- (g) Shall extend to or prejudice the estate, right, title, privilege, or authority of Her Majesty in right of the Duchy of Cornwall, or the possessions thereof, or of the Duke of Cornwall for the time being; or
- (h) Shall extend to manors belonging either in possession or reversion to any ecclesiastical corporation or to the Ecclesiastical Commissioners where the tenant has not a right of renewal.

*Section 95.—*

(a) This takes the place of Section 80 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35). This is a reduplication, so far as Section 21, Sub-section 1 (c), is concerned, of the exception therein contained (see the notes to that Sub-section).

(b) This takes the place of Section 34 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51). As to commonable rights, and their preservation notwithstanding enfranchisement, see Section 22 of the Act of 1894 and the notes thereon.

(c) This takes the place of Section 82 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35).

(d) This takes the place of Section 83 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35).

As has been pointed out, there are two modes of enfranchisement *under the Act*—compulsory, under Sections 1 to 13; and *voluntary*, under Sections 14 to 20. But, in addition, a lord may enfranchise by conveying the freehold of the tenement to the tenant; and, on the other hand, the tenant if he releases to the lord his copyhold tenement virtually destroys the copyhold tenure in it (see Section 14 and notes thereto). Enfranchisement may also be effected under The Settled Land Act, 1882 (45 & 46 Vict. c. 38), and the Lands Clauses Acts. It is to these additional modes of enfranchisement that (d) applies.

(e) This takes the place of Section 83 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35), and Section 55 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51). This again would preserve the powers of enfranchisement under The Settled Land Act, 1882, and the Lands Clauses Acts.

(f) This takes the place of Section 55 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51). See Sections 68, 69, and 70 of this Act and the notes thereto.

(g) This takes the place of Sections 98 and 99 of The Copyhold Act, 1841 (4 & 5 Vict. c. 35).

(h) This takes the place of Section 4 of The Copyhold Act, 1858 (21 & 22 Vict. c. 94). See also Sections 72 to 75 of this Act.

Savings as  
to compul-  
sory enfran-  
chisement.

**96.** The provisions of this Act with respect to a compulsory enfranchisement shall not apply—

(a) to any copyhold land held for a life or lives or for years where the tenant has not a right of renewal; nor

- (b) to manors in which Her Majesty has any estate or interest in possession, reversion, or remainder.

*Section 96.*—This Section takes the place of Section 48 of The Copyhold Act, 1852 (15 & 16 Vict. c. 51), and Section 46 of The Copyhold Act, 1858 (21 & 22 Vict. c. 94).

*Sub-section (b).*—Section 69 deals with voluntary enfranchisement of manors vested in Her Majesty, and Section 70 applies the voluntary provisions of the Act to cases where the manor is vested in Her Majesty in right of the Crown in possession, remainder, or reversion, in joint tenancy or coparcenary.

**97.** Nothing in this Act shall affect any right acquired in pursuance of registration under The Land Registry Act, 1862, or The Land Transfer Act, 1875, except to such extent as may be recorded by registration in pursuance of those Acts. Saving as to land registry.

*Section 97.*—This Section does not appear in any of the repealed Acts.

The Land Registry Act, 1862 (25 & 26 Vict. c. 53), does not extend to copyholds (see Section 3). And The Land Transfer Act, 1875 (38 & 39 Vict. c. 87), by Section 2, excludes both copyholds and customary freeholds from its purview.

**98. (1)** The provisions of this Act relating to— Application of Act to Crown.

- (a) the grant of easements to a lord of a manor for mining purposes;
- (b) the holding of customary courts although a copyhold tenant is not present;
- (c) the making of grants or admittances out of the manor and out of court;
- (d) the making of admittances without a presentment by the homage;
- (e) the entry of surrenders and wills on the court rolls; and
- (f) the partition of lands of copyhold or customary tenure,

shall extend to manors and lands vested in Her

Majesty in right of the Crown or of the Duchy of Lancaster.

(2) The said provision relating to the grant of easements shall extend to an enfranchisement of land held of a manor vested in Her Majesty effected under the provisions of any existing Act of Parliament.

*Sub-section (1).—*

- (a) See Section 24, *supra*, and the notes thereto.
- (b) See Section 82, *supra*, and the notes thereto.
- (c) See Sections 83 and 84, *supra*, and the notes thereto.
- (d) See Section 84, *supra*, and the notes thereto.
- (e) See Section 85, *supra*, and the notes thereto.
- (f) See Section 87, *supra*, and the notes thereto.

Extent of Act.

**99.** This Act shall not extend to Scotland or Ireland.

Repeal.

**100.** The enactments described in the Third Schedule to this Act are hereby repealed to the extent appearing in the third column of the said schedule.

Provided that all awards, deeds, orders, certificates, scales, instruments, charges, and rentcharges made, executed, granted, created, or having effect under any enactment repealed by this Act shall have effect as if this Act had not passed.

Short title.

**101.** This Act may be cited as The Copyhold Act, 1894.

There being nothing in the Act postponing its operation, it came into effect on the morning of the 25th August, 1894, when it was passed.

## SCHEDULES.

### FIRST SCHEDULE.

#### FORMS.

##### 1. DECLARATION TO BE MADE BY VALUERS AND UMPIRES.

(Section 5.)

I, A.B., declare that I will faithfully, to the best of my ability, value, hear, and determine the matters referred to me under The Copyhold Act, 1894.

A.B.

Made and subscribed in the presence of  
this            day of            189 .

##### 2. CERTIFICATE OF CHARGE.

(Section 41.)

The Board of Agriculture hereby certify that the land mentioned in the Schedule to this Certificate is charged with the payment to A.B., his executors, administrators, or assigns [or to the lord of the manor of            for the time being], of the following series of periodical payments; that is to say, the sum of            pounds payable on the            day of            ; the further sum of            pounds payable on the            day of            &c. [or with the principal sum of            pounds, with interest thereon after the rate of            per cent. per annum, the principal to be repayable in manner following, that is to say (*state the terms*) ]; and the Board further certify that after payment of the series of periodical payments above mentioned [or after payment of the principal money hereby charged and all arrears of interest due thereon] this Certificate shall be void. In witness whereof the Board of Agriculture have hereunto set their official seal this            day of            189 .

*The Schedule.*

E.F.

G.H.

## 3. TRANSFER OF CERTIFICATE OF CHARGE.

(Section 41.)

I, *A.B.*, of \_\_\_\_\_, hereby transfer the within Certificate of charge to *C.D.*, of \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 189 .  
*A.B.*

## 4. NOTICE OF RIGHT TO ENFRANCHISE.

(Section 42.)

Take notice that if you desire that the copyhold land which you hold of this manor of \_\_\_\_\_ shall become freehold you are entitled to enfranchise the same on paying the lord's compensation and the steward's fees. The lord's compensation may be fixed either by agreement between the lord and you, or by a valuer appointed by the lord and you, or through the agency of the Board of Agriculture, to whom you may make application, if you think fit, to effect the enfranchisement.

## 5. POWER OF ATTORNEY.

(Section 48.)

Manor of \_\_\_\_\_, in the County of \_\_\_\_\_.

I, *A.B.*, of \_\_\_\_\_, hereby appoint *C.D.*, of \_\_\_\_\_, to be my lawful attorney to act for me in all respects as if I myself were present and acting in the execution of The Copyhold Act, 1894.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 189 .  
(Signed) *A.B.*



## SECOND SCHEDULE.

## SCALE OF STEWARD'S COMPENSATION.

(Section 9.)

When the Consideration for the Enfranchisement—

	£	s.	d.
Does not exceed £1 - - - -	0	5	0
Exceeds £1 but does not exceed £5 - -	0	10	0
„ £5 „ „ £10 - -	1	0	0
„ £10 „ „ £15 - -	2	0	0
„ £15 „ „ £20 - -	3	0	0
„ £20 „ „ £25 - -	4	0	0
„ £25 „ „ £50 - -	6	0	0
„ £50 „ „ £100 - -	7	0	0
For every additional £50, or fractional part of £50, over and above the first £100 -	0	10	0

The compensation to be exclusive of stamps and paper or parchment, or map or plan, which are to be paid for by the tenant.

## THIRD SCHEDULE.

## ENACTMENTS REPEALED.

(Section 100.)

Session and Chapter.	Short Title.	Extent of Repeal.
4 & 5 Vict. c. 35 -	The Copyhold Act, 1841 -	The whole Act.
6 & 7 Vict. c. 23 -	The Copyhold Act, 1843 -	The whole Act.
7 & 8 Vict. c. 55 -	The Copyhold Act, 1844 -	The whole Act.
15 & 16 Vict. c. 51 -	The Copyhold Act, 1852 -	The whole Act.
21 & 22 Vict. c. 94 -	The Copyhold Act, 1858 -	The whole Act.
23 & 24 Vict. c. 59 -	The Universities and College Estates Act Extension Act, 1860 - -	Section four.
50 & 51 Vict. c. 73 -	The Copyhold Act, 1887 -	The whole Act.

## APPENDIX I.

TABLE SHOWING THE SECTIONS OF THE  
COPYHOLD ACT, 1894, AND THE CORRE-  
SPONDING SECTIONS OF THE REPEALED  
ACTS.

Sections of The Copyhold Act, 1894.	Subject Matter.	Corresponding Sections of the Repealed Acts.	Titles or Short Titles of Repealed Acts.
Section 1	Power to enfranchise copyholds	{ Section 1 ...	The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
„ 2	Power to extinguish manorial incidents.	„ 6 ...	The Copyhold Act, 1858 (21 & 22 Vict. c. 94).
„ 3	Fines &c. to be paid before enfranchisement.	„ 7 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
„ 4	Notice of desire to enfranchise.	„ 1 ...	The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
		„ 6 ...	The Copyhold Act, 1858 (21 & 22 Vict. c. 94).
		„ 9 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
		„ 8 ...	The Copyhold Act, 1858 (21 & 22 Vict. c. 94).

Sections of The Copyhold Act, 1894.	Subject Matter.	Corresponding Sections of the Repealed Acts.	Titles or Short Titles of the Repealed Acts.
Section 5 ...	Proceedings for ascertaining compensation.	Sections 3 to 10, 12, and 43. Sections 8 and 9. Sections 3 and 28.	The Copyhold Act, 1887 (50 & 51 Vict. c. 73). The Copyhold Act, 1858 (21 & 22 Vict. c. 94). The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
„ 6 ...	Circumstances to be considered by valuers.	Section 16 ... „ 5 ...	The Copyhold Act, 1852 (15 & 16 Vict. c. 51). The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
„ 7 ...	Duties of valuers	Sections 10, 11, and 43. Sections 8 and 9.	The Copyhold Act, 1887 (50 & 51 Vict. c. 73). The Copyhold Act, 1858 (21 & 22 Vict. c. 94).
„ 8 ...	Compensation to be a rentcharge in certain cases.	Sections 13 and 14.	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
„ 9 ...	Steward's com- pensation.	Section 77 ... „ 27 ...	The Copyhold Act, 1841 (4 & 5 Vict. c. 35). The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
„ 10 ...	Board to make award of en- franchisement.	Sections 10 and 12. Sections 22 and 43.	The Copyhold Act, 1858 (21 & 22 Vict. c. 94 ( <i>and see also</i> 15 & 16 Vict. c. 51, s. 11)). The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
„ 11 ...	Power for lord in certain cases to purchase ten- ant's interest.	Section 25 ...	The Copyhold Act, 1852 (15 & 16 Vict. c. 51).

Sections of The Copyhold Act, 1894.	Subject Matter.	Corresponding Sections of the Repealed Acts.	Titles or Short Titles of the Repealed Acts.
Section 12 ...	Power for Board to suspend en- franchisement in certain cases.	Section 35 ...	The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
„ 13 ...	Power for Board to continue con- ditions to user.	„ 8 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
„ 14 ...	Power to effect voluntary en- franchisement.	„ 56 ...	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
„ 15 ...	Consideration for voluntary enfranchise- ment.	„ 56 ...	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
		„ 1 ...	The Copyhold Act, 1843 (6 & 7 Vict. c. 23).
		„ 5 ...	The Copyhold Act, 1844 (7 & 8 Vict. c. 55).
„ 16 ...	Voluntary en- franchisement to be by deed.	Sections 56 and 57.	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
		Sections 1 and 2.	The Copyhold Act, 1843, (6 & 7 Vict. c. 23).
„ 17 ...	Provisions for rentcharges under Act.	Section 41 ...	The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
		„ 11 ...	The Copyhold Act, 1858 (21 & 22 Vict. c. 94).
„ 18 ...	Provisions where land is convey- ed as consider- ation under this part.	„ 3 ...	The Copyhold Act, 1843 (6 & 7 Vict. c. 23).

Sections of The Copyhold Act, 1894.	Subject Matter.	Corresponding Sections of the Repealed Acts.	Titles or Short Titles of the Repealed Acts.
Section 19 ...	Enfranchise- ment consider- ation to be a charge on land till paid.	{ Section 81 ...	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
„ 20 ...	Commencement of enfranchise- ment.	„ 4 ...	The Copyhold Act, 1844 (7 & 8 Vict. c. 55). See 4 & 5 Vict. c. 35, ss. 70 and 71.
„ 21 ...	On enfranchise- ment land to become free- hold.	„ 18 ...	The Copyhold Act, 1858 (21 & 22 Vict. c. 94).
„ 22 ...	Exception for rights of com- mon.	„ 81 ...	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
„ 23 ...	Exception for mines and other rights.	„ 4 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
„ 24 ...	Power for tenant to grant ease- ments to lord.	„ 34 ...	The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
„ 25 ...	Power to give receipts.	„ 81 ...	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
		„ 45 ...	The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
		„ 48 ...	The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
		„ 14 ...	The Copyhold Act, 1858 (21 & 22 Vict. c. 94).
		„ 33 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
		„ 84 ...	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
		„ 78 ...	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
		„ 25 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

Sections of The Copyhold Act, 1894.	Subject Matter.	Corresponding Sections of the Repealed Acts.	Titles or Short Titles of the Repealed Acts.
Section 26 ...	Payment of en- franchisement money.	Sections 59, 73, 74, 75, and 76. Sections 25 and 32. Section 13 ... „ 47 ...	The Copyhold Act, 1841 (4 & 5 Vict. c. 35). The Copyhold Act, 1887 (50 & 51 Vict. c. 73). The Copyhold Act, 1858 (21 & 22 Vict. c. 94). The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
„ 27 ...	Payment of rent- charges under Act.	Sections 15, 16, and 19. Sections 2 and 7. Sections 45, 47, and 48. Section 7 ... „ 42 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73). The Copyhold Act, 1843 (6 & 7 Vict. c. 23). The Copyhold Act, 1841 (4 & 5 Vict. c. 35). The Copyhold Act, 1844 (7 & 8 Vict. c. 55). The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
„ 28 ...	Apportionment of rentcharge.	Sections 4, 5, and 6.	The Copyhold Act, 1843 (6 & 7 Vict. c. 23).
„ 29 ...	Protection of lessees from lia- bility to rent- charge.	Section 8 ...	The Copyhold Act, 1843 (6 & 7 Vict. c. 23).
„ 30 ...	Redemption of rentcharge.	Sections 37, 39, and 40. Sections 17, 18, and 20.	The Copyhold Act, 1852 (15 & 16 Vict. c. 51). The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
„ 31 ...	Power to sell rentcharge.	Sections 36, 39, and 40.	The Copyhold Act. 1852 (15 & 16 Vict. c. 51).

Sections of The Copyhold Act, 1894.	Subject Matter.	Corresponding Sections of the Repealed Acts.	Titles or Short Titles of Repealed Acts.
Section 32 ...	Payment of money into Court or to trustees.	Sections 73 and 74.	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
		Section 14 ...	The Copyhold Act, 1843 (6 & 7 Vict. c. 23).
		„ 6 ...	The Copyhold Act, 1844 (7 & 8 Vict. c. 55).
		„ 39 ...	The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
„ 33 ...	Investment of money in Court or in hands of trustees.	„ 73 ...	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
		„ 39 ...	The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
		„ 30 ...	The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
„ 34 ...	Expenses of dealings under Act, how borne.	Sections 58, 65, 66, and 67.	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
		Section 35 (c).	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
		Section 28 ...	The Copyhold Act, 1858 (21 & 22 Vict. c. 94).
		Sections 45, 65, and 67.	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
„ 35 ...	Recovery of expenses.	Section 30 ...	The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
		„ 35 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
		Sections 1 and 3.	The Copyhold Act, 1844 (7 & 8 Vict. c. 55).



Sections of The Copyhold Act, 1894.	Subject Matter.	Corresponding Sections of the Repealed Acts.	Titles or Short Titles of the Repealed Acts.
Section 36 ...	Charge for consideration money and expenses of tenant.	Sections 21, 22, 23, 24, 25, 26, and 33. Sections 23 and 24. Section 26 ...	The Copyhold Act, 1858 (21 & 22 Vict. c. 94). The Copyhold Act, 1887 (50 & 51 Vict. c. 73). The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
„ 37 ...	Charge for lord's expenses.	„ 58 ... „ 31 ... Sections 24 and 26. Section 24 ...	The Copyhold Act, 1841 (5 & 6 Vict. c. 35). The Copyhold Act, 1852 (15 & 16 Vict. c. 51). The Copyhold Act, 1858 (21 & 22 Vict. c. 94). The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
„ 38 ...	Charge for consideration money where tenant's title proves bad.	„ 47 ...	The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
„ 39 ...	Charge for money paid by mortgagee.	„ 43 ...	The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
„ 40 ...	Power to advance sums required for purposes of Act.	„ 23 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
„ 41 ...	Certificates of charge.	Sections 29, 30, and 34 to 37.	The Copyhold Act, 1858 (21 & 22 Vict. c. 94).
„ 42 ...	Notice of right to enfranchise to be given by steward.	Section 1 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

Sections of The Copyhold Act, 1894.	Subject Matter.	Corresponding Sections of the Repealed Acts.	Titles or Short Titles of Repealed Acts.
Section 43 ...	Limited owners	Section 39 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
„ 44 ...	Trustees ...	Sections 39 and 40.	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
„ 45 ...	Representation of infants, lunatics, &c.	{ Sections 11 and 56.	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
		{ Section 39 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
„ 46 ...	Married woman for purposes of Act to be feme sole.	„ 39 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
„ 47 ...	Steward in general to re- present lord.	„ 33 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
„ 48 ...	Appointment of agent by power of attorney.	Sections 39 and 40.	The Copyhold Act, 1858 (21 & 22 Vict. c. 94).
„ 49 ...	Death pending proceedings.	{ Section 41 ...	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
		{ „ 31 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
„ 50 ...	Succession of rights and liabilities.	„ 38 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
„ 51 ...	Power to require declaration as to lord's title.	{ „ 22 ...	The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
		{ „ 32 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
„ 52 ...	Boundaries ...	„ 42 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).

Sections of The Copyhold Act, 1894.	Subject Matter.	Corresponding Sections of the Repealed Acts.	Titles or Short Titles of the Repealed Acts.
Section 53 ...	Power for Board to decide questions arising in enfranchisements.	Sections 40 and 42.      Section 8 ... " 29 ...	The Copyhold Act, 1841 (4 & 5 Vict. c. 35). The Copyhold Act, 1852 (15 & 16 Vict. c. 51). The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
" 54 ...	Power to call for production of documents and examine witnesses.	Sections 43 and 94.      Section 5 ...	The Copyhold Act, 1841 (4 & 5 Vict. c. 35). The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
" 55 ...	Expenses of inquiries before Board.	Section 44 ...	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
" 56 ...	Power to transfer charges on manor to other land or stock.	" 21 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
" 57 ...	Notices ...	" 20 ... " 36 ... " 93 ... " 50 ... " 32 ...	The Copyhold Act, 1858 (21 & 22 Vict. c. 94). The Copyhold Act, 1887 (50 & 51 Vict. c. 73). The Copyhold Act, 1841 (4 & 5 Vict. c. 35). The Copyhold Act, 1852 (15 & 16 Vict. c. 51). The Copyhold Act, 1858 (21 & 22 Vict. c. 94).
" 58 ...	Stamp duty ...	" 34 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
59 ...	Payment of office fees.		

Sections of The Copyhold Act, 1894.	Subject Matter.	Corresponding Sections of the Repealed Acts.	Titles or Short Titles of the Repealed Acts.
Section 60	Power for Board to correct errors in instruments.	Section 35	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
		" 15	The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
		" 44	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
" 61	Execution of en- franchisement instrument to be conclusive of regularity of proceedings.	" 33	The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
" 62	Inspection of Court rolls after enfranchise- ment.	" 20	The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
" 63	Evidence from instruments under repealed Acts.	" 33	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
" 64	Custody of Court rolls after en- franchisement.	" 21	The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
		" 48	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
" 65	Board to frame and circulate forms.	" 20	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
" 66	Board to publish a scale of com- pensation.	" 30	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
" 67	Proceedings under Act not to be quashed for want of form nor re- moved by certi- orari.	" 96	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).

Sections of The Copyhold Act, 1894.	Subject Matter.	Corresponding Sections of the Repealed Acts.	Titles or Short Titles of Repealed Acts.
Section 68 ...	Proceedings for determining compensation in certain enfranchisements of Crown lands.	Section 41 ...	The Copyhold Act, 1858 (21 & 22 Vict. c. 94).
„ 69 ...	Voluntary enfranchisement under Act in certain Crown manors.	Sections 42 to 46, and 48.	The Copyhold Act, 1858 (21 & 22 Vict. c. 94).
„ 70 ...	Enfranchisement in manors held in joint tenancy with the Crown.	Section 50 ...	The Copyhold Act, 1858 (21 & 22 Vict. c. 94).
„ 71 ...	Enrolment of instruments on enfranchisements in Crown manors.	Sections 47 and 49 ...	The Copyhold Act, 1858 (21 & 22 Vict. c. 94).
„ 72 ...	Consent of Ecclesiastical Corporations &c. required to dealings with manors in which they are interested.	Section 22 ...	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
„ 73 ...	Notice to Ecclesiastical Commissioners in certain cases.	„ 19 ...	The Copyhold Act, 1858 (21 & 22 Vict. c. 94).
„ 74 ...	Enfranchisement money for use of spiritual person may be paid to Queen Anne's Bounty.	17 ...	The Copyhold Act, 1858 (21 & 22 Vict. c. 94).

Sections of The Copyhold Act, 1894.	Subject Matter.	Corresponding Sections of the Repealed Acts.	Titles or Short Titles of the Repealed Acts.
Section 75 ...	Application of enfranchisement money where enfranchisement might have been under 14 & 15 Vict. c. 104.	Section 5 ...	The Copyhold Act, 1858 (21 & 22 Vict. c. 94). (See also 24 & 25 Vict. c. 105, s. 3.)
„ 76 ...	Enfranchisement money may be paid to official trustees of charitable funds on behalf of charity.	„ 15 ...	The Copyhold Act, 1858 (21 & 22 Vict. c. 94).
„ 77 ...	Enfranchisement money for use of corporation may be paid to trustees.	„ 16 ...	The Copyhold Act, 1858 (21 & 22 Vict. c. 94).
„ 78 ...	Provisions for case of joint lords of manors belonging to universities and colleges.	„ 46 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
„ 79 ...	Provisions where derivative interests are entered on rolls.	„ 47 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
„ 80 ...	Application of Act to part of manor.	„ 102 ...	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
„ 81 ...	Restraint on creation of new copyholds.	„ 52 ...	The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
„ 82 ...	Power to hold customary court though no copyholder present.	„ 6 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
		Sections 86 and 91.	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).

Sections of The Copyhold Act, 1894.	Subject Matter.	Corresponding Sections of the Repealed Acts.	Titles or Short Titles of the Repealed Acts.
Section 83 ..	Power to make grants out of manor and out of court.	Sections 87 and 91.	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
„ 84 ...	Manner of making admittance.	{ Sections 88 and 90. Section 2 ...	{ The Copyhold Act, 1841 (4 & 5 Vict. c. 35). The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
„ 85 ....	Surrenders &c. out of Court to be entered on Court rolls.	„ 89 ...	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
„ 86 ...	Power to alienate ancient tenements in portions with licence of lord.	„ 92 ...	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
„ 87 ...	Partition of copyhold land.	„ 85 ...	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
„ 88 ...	Descent of trust and mortgage estates in copyholds.	„ 45 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
„ 89 ...	Receipt for consideration where under £500 for enfranchisement not under Act.	„ 26 ...	The Copyhold Act, 1887 (50 & 51 Vict. c. 73).
„ 90 ...	Board of Agriculture to make annual report.	„ 3 ...	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
„ 91 ...	Delegation of powers of Board.	„ 10 ...	The Copyhold Act, 1841 (4 & 5 Vict. c. 53).
„ 92 ...	Power of entry for purposes of Act.	„ 6 ...	The Copyhold Act, 1852 (15 & 16 Vict. c. 51).

## 160 SECTIONS OF THE COPYHOLD ACT, 1894, AND REPEALED ACTS.

Sections of The Copyhold Act, 1894.	Subject Matter.	Corresponding Sections of the Repealed Acts.	Titles or Short Titles of the Repealed Acts.
Section 93 ...	Penalty for obstructing persons admin- istering Act.	Section 51 ...	The Copyhold Act, 1852 (15 & 16 Vict. c. 51).
		„ 102 ...	The Copyhold Act, 1841 (4 & 5 Vict.. c. 35).
		„ 15 ...	The Copyhold Act, 1843 (6 & 7 Vict.. c. 23).
„ 94 ...	Interpretation ...	Sections 43 and 52.	The Copyhold Act, 1852 (15 & 16 Vict.. c. 51).
		Sections 19, 38, and 51.	The Copyhold Act, 1858 (21 & 22 Vict.. c. 94).
		Section 49 ...	The Copyhold Act, 1887 (50 & 51 Vict.. c. 73).
		Sections 80, 82, 83, 98, and 99.	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
„ 95 ...	General savings.	Sections 34 and 55.	The Copyhold Act, 1852 (15 & 16 Vict.. c. 51).
		Section 4 ...	The Copyhold Act, 1858 (21 & 22 Vict.. c. 94).
		„ 48 ...	The Copyhold Act, 1852 (15 & 16 Vict.. c. 51).
„ 96 ...	Savings as to compulsory en- franchisement.	„ 46 ...	The Copyhold Act, 1858 (21 & 22 Vict.. c. 94).
„ 97 ...	Saving as to land registry.	...	See 25 & 26 Vict. c. 53, and 38 & 39 Vict. c. 87.
„ 98 ...	Application of Act to Crown.	„ 97 ...	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
„ 99 ...	Extent of Act ...	„ 100 ...	The Copyhold Act, 1841 (4 & 5 Vict. c. 35).
„ 100 ...	Repeal.		
„ 101 ...	Short title.		



## APPENDIX II.

### TABLE SHOWING THE ENACTMENTS REPEALED, AND THE CORRESPONDING SECTIONS OF THE COPYHOLD ACT, 1894.

[Where a whole Act is repealed, the words "The whole Act" are  
inserted in the first column of this Table.]

Enactments Repealed.	Subject Matter.	Corresponding Sections of this Act, and Remarks.
4 & 5 Vict. c. 35 (The Copyhold Act, 1841). [The whole Act.]		
Preamble and Section 1	Appointment of Commis- sioners.	Repealed.
" 2	Style of Commissioners.	"
" 3	Board of Agriculture to make Annual Report.	Section 90.
" 4	Constitution of Commis- sioners &c.	} Repealed by subsequent Acts.
" 5	...	
" 6	...	
" 7	...	
" 8	...	
" 9	...	} Section 91.
" 10	Delegation of powers of Board.	
" 11	Representation of infants &c.	" 45. Proviso already re- pealed by 21 & 22 Vict. c. 94, s. 2.
" 12	Agent may be appointed by power of attorney.	Section 48.

Enactments Repealed.	Subject Matter.	Corresponding Sections of this Act, and Remarks.
4 & 5 Vict. c. 35, Section 13	...	Repealed by Statute Law Revision Act, 1874 (No. 2).
" 14	...	
" 15	...	
" 16	...	
" 17	...	
" 18	...	
" 19	...	Section 65.
" 20	Board of Agriculture to frame and circulate forms.	
" 21	Suits and differences as to rights or boundaries may be referred to arbitration.	Sections 52 and 53.
" 22	Consents to be required to agreements.	Section 72.
" 23	...	Repealed by Statute Law Revision Act, 1874 (No. 2).
" 24	...	
" 25	...	
" 26	...	
" 27	...	
" 28	...	
" 29	...	
" 30	...	
" 31	...	Section 63.
" 32	...	
" 33	Evidence from instruments under repealed Acts.	Section 63.
" 34	...	Repealed by Statute Law Revision Act, 1874 (No. 2).
" 35	Board of Agriculture may correct errors.	Section 60.
" 36	Lands to be discharged from rents, fines, and heriots now payable, and a rent-charge and fixed fine to be paid in lien thereof.	Exhausted.
" 37	...	Repealed by Statute Law Revision Act, 1874 (No. 2).
" 38	...	
" 39	Commissioners may hear and determine disputes.	Section 53.

Enactments Repealed.	Subject Matter.	Corresponding Sections of this Act, and Remarks.
4 & 5 Vict. c. 35, Section 40	Persons dissatisfied with decision may appeal by issue at law or on case stated. Board to decide questions.	Exhausted.
„ 41	Proceedings not to abate by death of parties.	Section 49.
„ 42	In case of death of parties before action brought &c., the same to be brought and carried on in their names. Board to decide questions.	„ 53.
„ 43	Power to examine witnesses, call for papers &c. Board to decide questions.	Section 54, and repealed so far as it relates to any commutation therein referred to by Statute Law Revision Act, 1874 (No. 2).
„ 44	Expenses of witnesses and inquiries.	Section 55.
„ 45	Tenant paying rentcharge to be allowed the same in account with his landlord. Payment of expenses.	„ 27 (proviso) and Section 35.
„ 46	Lands exempted from provisions of this Act in certain cases.	Exhausted.
„ 47	When rentcharge is in arrear for 21 days after half-yearly days of payment the persons entitled thereto may distrain.	Section 27 (c).
„ 48	Payment of rentcharges.	„
„ 49	Account, how rendered.	Exhausted.
„ 50	Powers of 4 & 5 Will. IV. c. 22 to extend to rentcharges under this Act.	See now The Apportionment Act, 1870.
„ 51	Rents &c. due before the 1st January next following the confirmation not to be affected.	} Repealed by subsequent Acts or exhausted.
„ 52	Power to effect a voluntary commutation.	

Enactments Repealed.	Subject Matter.	Corresponding Sections of this Act, and Remarks.
4 & 5 Vict. c. 35, Section 53	Power of lords of manors to recover commutation fines.	Repealed by subsequent Acts or exhausted.
" 54	Power to effect supplemental or substituted commutation.	
" 55	Apportionment of rent and fines.	
" 56	Power to lords and tenants to effect voluntary enfranchisements. Deed necessary.	Sections 14, 15, 16, and 45.
" 57	For effecting such enfranchisement if agreement not entered into by all the tenants, or their number be less than 12.	Section 16.
" 58	Title to manor. Expenses of enfranchisement.	Sections 34 and 37.
" 59	Payment of enfranchisement money.	" 26 and 32.
" 60	...	} Repealed.
" 61	...	
" 62	...	
" 63	...	
" 64	Substituted titles.	Section 21 (1) (d).
" 65	General expenses.	Repealed as to Schedule of Appointment by Statute Law Revision Act, 1873 (No. 2), and see also Sections 34 (3) and 35.
" 66	Action for expenses.	Section 34.
" 67	Expenses of trustees.	Sections 34 and 35.
" 68	...	} Repealed.
" 69	...	
" 70	...	
" 71	...	
" 72	Power to mortgage.	Section 36.
" 73	Payment of enfranchisement moneys.	Sections 26, 32, and 33.
" 74	Payment of money into Court	Sections 26 and 32.
" 75	Payment of enfranchisement money.	" 26 & 26 (4).

Enactments Repealed.	Subject Matter.	Corresponding Sections of this Act, and Remarks.
4 & 5 Vict. c. 35, Section 76	In case of money paid to lord, not entitled.	Section 26 (4).
" 77	Payments to stewards.	" 9.
" 78	Power to give receipts.	" 25.
" 79	After confirmation, land to descend as freehold. [&c.).	Repealed.
" 80	General savings (gavelkind	Section 95.
" 81	Lands to become freehold. Enfranchisement consideration to be a charge on land until paid. Exception of rights of common.	Sections 19, 21, and 22.
" 82	Other rights of lords not to be affected.	Section 95.
" 83	Restriction as to this Act.	" 95.
" 84	Power to tenants to grant easements to lord.	" 24.
" 85	Partition of copyhold land.	" 87.
" 86	Power to hold customary Court though no copyholder present.	" 82.
" 87	Power to make grants out of manor and out of Court.	" 83.
" 88	Manner of making admittance.	" 84.
" 89	Surrenders out of Court to be entered on Court Rolls.	" 85.
" 90	Manner of making admittance.	" 84.
" 91	Power to hold customary Court though no copyholder present.	Sections 82 and 83.
" 92	Power to alienate ancient tenements.	Section 86.
" 93	Stamp duty.	" 58.
" 94	False evidence &c.	" 54.
" 95	Limitation of action.	Exhausted.
" 96	Proceedings not to be quashed.	Section 67.
" 97	Application of Act to Crown.	" 98.
" 98	General savings.	" 95.
" 99	"	" 95.

Enactments Repealed.	Subject Matter.	Corresponding Sections of this Act, and Remarks.
4 & 5 Vict. c. 35, Section 100	Extent of Act.	Section 98.
„ 101	Act may be altered.	Exhausted.
„ 102	Application of Act to part of a manor.	Section 80.
	Definition of "enfranchisement."	„ 94.
6 & 7 Vict. c. 23 (The Copyhold Act, 1843). [The whole Act.] Preamble and Section 1	Consideration for voluntary enfranchisement.	„ 15.
	Provision for rentcharge.	„ 17.
„ 2	„ „	Sections 17 and 27 (c).
„ 3	Provision where land is conveyed as consideration.	Section 18.
„ 4	Tenant paying rentcharge.	„ 27.
„ 5	„ „	„ 27.
„ 6	„ „	„ 27.
„ 7	Payment of rentcharges.	„ 27 (c).
„ 8	Protection of lessees from liability to rentcharge.	„ 29.
„ 9	Subsisting lease.	„ 21 (3).
„ 10	Effect of enfranchisement.	„ 21 (3).
„ 11	... ..	Repealed by 21 & 22 Vict. c. 94, s. 2.
„ 12	Redemption of fee farm rent.	Section 33.
„ 13	Notice of enfranchisement.	„ 16.
„ 14	Payment of money into Court or to trustees.	„ 32.
„ 15	Definition of "land."	„ 95.
7 & 8 Vict. c. 55 (The Copyhold Act, 1844). [The whole Act.] Preamble and Section 1	Expenses.	„ 35.
„ 2	... ..	Repealed by 21 & 22 Vict. c. 96, s. 2.
„ 3	Expenses.	Section 35.

Enactments Repealed.	Subject Matter.	Corresponding Sections of this Act, and Remarks.
7 & 8 Vict. c. 55, Section 4	Enfranchisement consideration to be a charge on land until paid.	Section 19. See 4 & 5 Vict. c. 35, ss. 70 and 71.
„ 5	Consideration for voluntary enfranchisement.	Section 15.
„ 6	Payment of money into Court	„ 32.
„ 7	Payment of rentcharges.	„ 27 (e).
„ 8	Construction of Act.	Exhausted.
15 & 16 Vict. c. 51 (The Copyhold Act, 1852). [The whole Act].	[holds.	
Section 1	Power to enfranchise copy-	Sections 1 and 3.
„ 2	Mode of enfranchising.	Repealed by Sections 2 and 4 of Act of 1858.
„ 3	Compensation for enfranchisement.	Section 5.
„ 4	Death &c. of valuers.	„ 5 (6).
„ 5	Production of books &c.	„ 54.
„ 6	Power of entry for purposes of Act.	„ 92.
„ 7	Valuers how to proceed.	„ 8.
„ 8	Board of Agriculture to decide questions.	„ 53.
„ 9	Award to be confirmed.	„ 10.
„ 10	Charge to be a first charge.	Repealed by Section 2 of Act of 1858.
„ 11	Board to make award of enfranchisement.	Repealed by 21 & 22 Vict. c. 94, s. 2. (See Section 10.)
„ 12	Form of charge.	Repealed by 21 & 22 Vict. c. 94, s. 2. (See Section 36 and Section 27.)
„ 13	Certificate transferable.	Section 41 (5).
„ 14	Stamp on certificate.	Repealed.
„ 15	Power for Board of Agriculture to correct errors.	Section 60.
„ 16	Circumstances to be considered by valuers.	„ 6.

Enactments Repealed.	Subject Matter.	Corresponding Sections of this Act, and Remarks.
15 & 16 Vict. c. 51, Section 17	Power to take possession.	Repealed, and see Section 36 and Section 27.
„ 18	Land may be let.	Section 27 <i>et seq.</i>
„ 19	Notice to Ecclesiastical Commissioners.	„ 73.
„ 20	Inspection of Court Rolls.	„ 62.
„ 21	Custody of Court Rolls.	„ 64.
„ 22	Power to require declaration as to lord's title.	„ 51.
„ 23	Commissioners to inquire into title.	„ 51.
„ 24	Identity of lands.	„ 52.
„ 25	Restrictions on enfranchisement.	„ 11.
„ 26	Power to charge.	Repealed by 21 & 22 Vict. c. 94, s. 2, and Sections 36 and 37.
„ 27	As to heriots.	Section 2.
„ 28	Declaration by valuers.	„ 5 (7).
„ 29	Certificates of charge.	„ 41.
„ 30	Expenses, how borne.	„ 34.
	Recovery of expenses.	„ 35.
	Certificates of discharge.	„ 41.
„ 31	Charge for lord's expenses.	„ 37.
„ 32	Tenant's expenses.	„ 36.
„ 33	Execution of enfranchisement deed to be conclusive.	Section 61.
„ 34	Effect of enfranchisement.	Sections 21 (c), 41 (1), and 95.
„ 35	Power for Board to suspend enfranchisement in certain cases.	„ 12 and 41 (1).
„ 36	Power to sell rentcharge.	„ 31 (1) and 41 (1).
„ 37	Redemption of rentcharge.	„ 30 (2), (5), and 41 (1).
„ 38	Consideration, how paid.	Section 30.
„ 39	Redemption of rentcharge.	Secs. 30 (1) & 33.
	Power to sell rentcharge.	Section 31 (1).
	Payment of money to trustees	„ 32 (2).
„ 40	Payment of money to trustees	Secs. 30 (1) & 31 (1).



Enactments Repealed.	Subject Matter.	Corresponding Sections of this Act, and Remarks.
15 & 16 Vict. c. 51, Section 41	Provisions for rentcharges.	Section 17.
„ 42	Tenant paying rentcharge to be able to recover against landlord.	„ 27 (proviso).
„ 43	Charge for money paid by mortgagee.	Sections 39 and 94.
„ 44	Effect of enfranchisement.	Section 21 (3).
„ 45	Exception for rights of common.	„ 22.
„ 46	Effect of enfranchisement.	„ 21 (2).
„ 47	Payment of enfranchisement money.	„ 26 (3).
	Charge for consideration where title bad.	„ 38.
„ 48	Exception for mines and other rights.	Sections 23 and 96.
„ 49	Copies of award.	Section 63.
„ 50	Stamp duty.	„ 58.
„ 51	Penalty for obstructing persons administering Act.	„ 93.
„ 52	Application of Act to part of manor.	„ 80.
	Definition of "land."	„ 94.
„ 53	Construction of Act.	Exhausted.
„ 54	Title of Act.	„
„ 55	General savings.	Section 95.
21 & 22 Vict. c. 94 (The Copyhold Act, 1858).		
[The whole Act.]		
Section 1	Commencement of Act. Repealing Clause.	} Exhausted.
„ 2	„ „	
„ 3	„ „	
„ 4	General savings (manors belonging to Ecclesiastical Commissioners).	
„ 5	Payment where enfranchisement could have been under 14 & 15 Vict. c. 104.	Section 95.
		„ 75.
		(See also 14 & 15 Vict. c. 104; 24 & 25 V. c. 105, s. 3; and 25 & 26 Vict. c. 52.)

Enactments Repealed.	Subject Matter.	Corresponding Sections of this Act, and Remarks.
21 & 22 Vict. c. 94, Section 6	Power to enfranchise copyholds. Fines to be paid.	Sections 1 and 3.
„ 7	Extinguishment of heriots &c.	Section 2.
„ 8	Notice of desire to enfranchise	„ 4.
„ 9	Duties of valuers.	Sections 5 and 7.
„ 10	Compensation for enfranchisement.	„ 5 (4) (c) and 7 (3).
„ 11	Board to make award of enfranchisement.	Section 10.
„ 12	Provision for rentcharges.	„ 17.
„ 13	Receipt for consideration money.	„ 10.
„ 14	Payment of enfranchisement money.	„ 26 (2).
„ 15	Exception for mines and other rights.	„ 23.
„ 16	Enfranchisement money payable to trustees of charitable funds.	„ 76.
„ 17	Enfranchisement money for use of corporation may be paid to trustees.	„ 77.
„ 18	Payment to Queen Anne's Bounty.	„ 74.
„ 19	Commencement of enfranchisement.	„ 20.
„ 20	Definition of "ecclesiastical corporation."	„ 94.
„ 21	Notices.	„ 57.
„ 22	Charge for consideration money and expenses.	„ 36 (1).
„ 23	„ „	„ 36.
„ 24	„ „	„ 36 (3).
„ 25	„ „	Sections 36 and 37.
„ 26	„ „	Section 36 (4).
„ 27	Charge includes expenses.	Secs. 36 (4) and 37.
„ 28	Duration of charge.	Exhausted.
„ 29	Expenses of dealings under the Act.	Section 34 (6).
„ 30	Certificate of charge.	} Sections 36 to 41.
„ 31	Certificate transferable.	
„ 32	Lord's charge.	

Enactments Repealed.	Subject Matter.	Corresponding Sections of this Act, and Remarks.
21 & 22 Vict. c. 94,		
Section 32	Stamp duty.	Section 58.
" 33	Priority of charge.	" 36 (6).
" 34	Charge not to merge.	} Sections 36 and 41.
" 35	Recovery of charge.	
" 36	Form of charge.	
" 37	Transfer form.	
" 38	Interpretation.	Section 94.
" 39	Appointment of agent by power of attorney.	" 48.
" 40	Appointment of agent by power of attorney.	" 48.
" 41	Proceedings for determining compensation in Crown manors.	" 68.
" 42	Voluntary enfranchisement in Crown manors.	} Sections 69 and 96.
" 43	" "	
" 44	" "	
" 45	" "	
" 46	" "	} Section 71.
" 47	Enrolment of instruments on enfranchisement in Crown manors.	
" 48	Voluntary enfranchisement in Crown manors.	" 69.
" 49	Enrolment of instruments on enfranchisement in Crown manors.	" 71.
" 50	Enfranchisement in manors held in joint tenancy with Crown.	" 70.
" 51	Definition of "ecclesiastical corporation."	" 94.
" 52	Construction of Act.	Exhausted.
23 & 24 Vict. c. 59 (The Universities and College Estates Act Extension Act, 1860).		
Section 4	Provision for ease of joint lords of manors belonging to Universities.	Section 78.

Enactments Repealed.	Subject Matter.	Corresponding Sections of this Act, and Remarks.
50 & 51 Vict. c. 73 (The Copyhold Act, 1887). [The whole Act.]		
Section 1	Notice of right to enfranchise.	Section 42.
" 2	Manner of making admittance	" 84.
" 3	Proceedings for ascertaining compensation.	" 5.
" 4	Right to escheat preserved.	" 21.
" 5	Circumstances to be considered by valuers.	" 6.
" 6	Restraint on creation of new copyholds.	" 81.
" 7	Power to extinguish manorial incidents.	" 2.
" 8	Power for Board to continue conditions to user.	" 13.
" 9	Fines to be paid before enfranchisement.	" 3.
" 10	Compensation for enfranchisement.	Sections 5 and 7.
" 11	Duties of valuers.	Section 7 (1).
" 12	Death of valuer &c.	" 5.
" 13	Compensation to be a gross sum in certain cases.	" 8.
" 14	Compensation to be a rentcharge in certain cases.	" 8.
" 15	Rentcharges.	" 27.
" 16	Payment of rentcharges.	" 27 (e).
" 17	Redemption of rentcharge.	" 30 (1).
" 18	" "	" 30 (1).
" 19	Ranking of rentcharges.	" 27 (c).
" 20	Redemption of rentcharge.	" 30 (6).
" 21	Power to transfer charges on manor to other land or stock.	" 56.
" 22	Board to make award of enfranchisement.	" 10.
" 23	Charge for consideration money and expenses.	" 36 (5).
	Power to advance sums for purposes of Act.	" 40.

Enactments Repealed.	Subject-Matter.	Corresponding Sections of this Act, and Remarks.
50 & 51 Vict. c. 73, Section 24	Charge for consideration money.	Sections 36 and 37.
" 25	Power to give receipts.	" 25 and 26.
" 26	Receipt for consideration where under £500 for enfranchisement not under Act.	Section 89.
" 27	Steward's compensation.	" 9.
" 28	Prior enfranchisements.	Exhausted.
" 29	Board of Agriculture to decide questions.	Section 53.
" 30	Board to publish a scale of compensation.	" 66.
" 31	Death pending proceedings.	" 49.
" 32	Payment of enfranchisement money.	" 26.
	Declaration as to lord's title.	" 51.
" 33	Exception for mines and other rights.	" 23.
	Steward to represent lord.	" 47.
" 34	Payment of office fees.	" 59.
" 35	Expenses of dealings.	Sections 34 and 35.
" 36	Notices.	Section 57.
" 37	Pending proceedings.	Exhausted.
" 38	Succession of rights and liabilities. [Act.	Section 50.
" 39	Parties to proceedings under Married woman treated as feme sole.	Sections 43 and 44. " 45 and 46.
" 40	Trustees.	Section 44.
" 41	Effect of enfranchisement.	" 21 (3).
" 42	Boundaries.	" 52.
" 43	Proceedings for ascertaining compensation.	" 5.
	Duties of valuers.	" 7 (9).
	Board to make award of enfranchisement.	" 10.
" 44	Power for Board of Agriculture to correct errors.	" 60.
" 45	Descent of trust and mortgage estates in copyholds.	" 88.

Enactments Repealed.	Subject Matter.	Corresponding Sections of this Act, and Remarks.
50 & 51 Vict. c. 73, Section 46	Provision for joint lords of manors belonging to Uni- versities.	Section 78.
„ 47	Provisions where derivative interests are entered on rolls.	„ 79.
„ 48	Custody of Court Rolls.	„ 64.
„ 49	Interpretation.	„ 94.
„ 50	Construction of Act.	Exhausted.
„ 51	Repealing section.	„
SCHEDULE.		

## APPENDIX III.

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### MINUTE OF THE BOARD OF AGRICULTURE AS TO PROCEEDINGS ON COMPULSORY ENFRANCHISEMENTS UNDER THE COPY- HOLD ACT, 1894.

#### *Lord or Tenant can Compel Enfranchisement of Copyhold.*

1. A Lord or Tenant can compel Enfranchisement of any Copyhold Land to which the Tenant has been admitted, unless the Tenant is a Mortgagee not in possession, or the Land is held for a life or lives, or for years, where the Tenant has not a right of renewal. But where the Tenant has not been admitted since the 30th of June, 1853, he cannot avail himself of this power until after payment or tender of such fine, and of the value of such Heriot (if any) as would become payable in the event of admittance on alienation subsequent to that day, and of two-thirds of such sum as the Steward would have been entitled to in respect of the admittance.

#### *Lord or Tenant can Compel Enfranchisement of any Manorial Incident.*

2. Any Lord or Tenant of any Land liable to any Heriot, Quit Rent, Free Rent, or other Manorial Incident whatsoever, may require and compel the extinguishment of such Rights or Incidents affecting the Land, and the Release and Enfranchisement of the Land subject thereto, and the

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proceedings thereon shall be the same as in the case of Enfranchisement of Copyhold Land. If the Land is freehold (including customary freehold) and subject to Heriots, and no Heriot has become due or payable since the 30th of June, 1853, a Tenant cannot avail himself of this power until after payment or tender of the value of such Heriot (if any) as would become payable in the event of an admittance or enrolment on alienation subsequent to that day, and of two-thirds of such sum as the Steward would have been entitled to for fees in respect of the alienation or admittance or enrolment.

*Fines and Fees on Admittance to be paid before  
Enfranchisement.*

3. A Tenant shall not be entitled to require Enfranchisement of any Land until after payment or tender of all fines and fees consequent on the last admittance to the Land.

*Notice of Desire to Enfranchise.*

4. A Lord or Tenant requiring Enfranchisement or Extinguishment of a Manorial Incident must give notice in writing thereof the one to the other, and send a copy of the notice to the Board, with an endorsement thereon stating when and upon whom the notice was served, and how served.

*Lord and Tenant may Agree as to Compensation.*

5. The Lord and Tenant, after notice of the Enfranchisement has been delivered, may agree in writing upon the compensation to be paid for Enfranchisement. A form, showing the information to be furnished by the Steward in such cases, may be obtained on application to the Board. A Memorandum of Agreement will be found at the end of the form. [See page 198, *infra*.]



*Lord and Tenant may Agree to Refer Determination of Compensation to the Board, or a Valuer or Valuers.*

6. The Lord and Tenant may, after notice of the Enfranchisement has been delivered, agree in writing that the Board shall determine the compensation to be paid for Enfranchisement, or they may appoint a Valuer or Valuers to determine such compensation. Forms of Agreement or Appointment, applicable to such cases, may be obtained on application to the Board. [See Form 5, Appendix IV., page 203.]

*Appointment of Valuers.*

7. If the compensation is not otherwise determined, it shall be ascertained under the direction of the Board on a Valuation to be made by a Valuer, Valuers, or Umpire, duly appointed in manner following: that is to say—

*Joint Appointment of Valuer.*—The Lord and Tenant may, in any case, jointly appoint one Valuer.

*Appointment of Valuer by Justices.*—When the Manorial Rights to be compensated consist only of Heriots, Rents, and Licences at fixed rates to demise or to fell timber, or of any of these, or where the Land to be enfranchised is not rated for the relief of the poor at a greater amount than the net annual value of £30, the Valuation shall be made by a Valuer to be appointed by the Justices at Petty Sessions holden for the division or place in which the Manor or the greater part of it is situate, unless either party to the Enfranchisement gives notice that he desires the Valuation to be made by a Valuer or Valuers appointed by the Lord and Tenant, in which case he shall pay the additional expenses caused by that mode of Valuation. Before either party applies to the Justices to appoint a Valuer, he must give notice of his intention to the other party, and a copy of

the notice, as well as of any appointment by the Justices, should be forwarded to the Board.

*Appointment of Separate Valuers by Lord and Tenant.—*

In all other cases the person who has given notice of his desire to enfranchise should appoint a Valuer in writing, and give notice thereof to the other party requiring him to appoint his Valuer. A copy of the Valuer's appointment and of the notice should be sent to the Board, with the time and mode of service of the notice endorsed thereon. When the notice of the appointment of Valuer has been received, the party on whom it has been served must within 28 days appoint his Valuer, and send a copy of the appointment both to the opposite party and to the Board.

*Failure by Lord or Tenant to Appoint a Valuer.—*In any case where, after due notice as aforesaid, either party shall neglect or refuse for 28 days, or within such further time, if any, as the Board by order allow, to appoint his Valuer, the appointment devolves upon the Board, who on being requested by either party will appoint a Valuer.

*Appointment of Umpire.*

8. The Valuers, within 14 days after their appointment, and before they proceed, should appoint an Umpire, to whom the whole matter, or any point in dispute between them, may be referred. A copy of such appointment should be forwarded to the Board. If the Valuers fail to appoint within 14 days, the appointment devolves upon the Board, who, on being requested by the Valuers, or one of them, will appoint an Umpire.

*Death or Removal of a Valuer or Umpire.*

9. When a Valuer or Umpire dies, or becomes incapable, or refuses to act, or is removed by the Board, another Valuer

or Umpire may be appointed in his place, within a time to be fixed by the Board, by the person and in the manner provided by the Act with regard to the Valuer or Umpire in whose place he is appointed, and in default by the Board. A Valuer or Umpire so appointed may adopt and act upon any Valuation or proceeding agreed on or completed by the Valuer, Valuers, or Umpire previously acting.

*Declaration of Valuers or Umpire.*

10. Before any Valuer or Umpire shall enter upon his Valuation he must, in the presence of a Justice of the Peace, make and subscribe a Declaration in the following form, which should be annexed to the Decision when forwarded to the Board:—

"I declare that I will faithfully, to the best of my ability, value, hear, and determine the matters referred to me under The Copyhold Act, 1894.

"Made and subscribed in the presence of                      A. B.  
this          day of          , 18 ."

### Instructions to be Given to Valuers.

11. As the Decision of the Valuers should be given within 42 days, each party should, without delay, furnish his Valuer with a description of the Lands to be enfranchised, and all other necessary information; but if either party neglect or refuse to do so, the Valuers will proceed upon such information as they can otherwise obtain.

### *Circumstances to be Considered by Valuers.*

12. The circumstances to be considered by Valuers are mentioned in Section 6 of the Act, which is as follows :—

“(1) In making a Valuation for the purpose of ascertaining the compensation for a compulsory enfran-

chisement under this Act, the Valuers shall take into account and make due allowance for the facilities for improvements, customs of the Manor, Fines, Heriots, Reliefs, Quit Rents, Chief Rents, Forfeitures, and all other incidents whatsoever of copyhold or customary tenure, and all other circumstances affecting or relating to the land included in the Enfranchisement, and all advantages to arise therefrom: provided that they shall not take into account or allow for the value of escheats.

- “(2) The value of the matters to be taken into account in the Valuation shall be calculated as at the date of the notice to enfranchise.”

*Decision of Valuers or Umpire.*

13. The Valuers must determine the value of the matters to be taken into account in the Valuations at a gross sum of money (a). The Valuers' Decision must be in such form as the Board direct, and be forwarded to the Board within 42 days after their appointment, or within such further time (if any) as the Board by order allow, with the details of the Valuation separately given. A copy of the Decision must also be sent at the same time to the Lord or Steward and to the Tenant or his Attorney. If the Valuers are unable from any cause to come to a decision within the prescribed time, they or either of them may, before the expiration of that period, refer the matter to the Umpire. If they fail to do so, the Board may direct the Umpire to act as Valuer. In either case it will be the duty of the Umpire to make the Decision, and furnish details and copies of the same, as before mentioned, within 42 days after the reference to him.

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(a) See paragraph 32 as to scale on which compensation should be based.

*Extension of Time.*

14. If any extension of time for doing an act should be desired, application should be made to the Board before the expiration of the prescribed period.

*Description of Land to be Enfranchised.*

15. A Schedule containing the exact description under which the Land is to be enfranchised should be annexed to every Decision. The Court Roll description by which the Tenant was admitted or enrolled should be given in the Schedule. If, however, the parties agree to a more modern description of the Land in addition to the Court Roll description, the same should be signed by the Steward of the Manor, and by the Tenant or his Attorney.

*Identity of Land.*

16. When the identity of the Land cannot be ascertained to the satisfaction of the Valuers, it is to be taken at the quantity (if any) in statute measure mentioned in the Court Rolls, and if not so specified the quantity is to be determined by the Valuers.

*Plans.*—When the Land is not defined by a plan on the Court Rolls, the Valuers, if requested in writing by either Lord or Tenant, are to define the Land by a Plan. The Ordnance Survey Map, or a tracing from it, will generally be found most convenient for the purpose. Ordnance Survey Maps on the  $\frac{1}{2500}$  and 6-inch scales, and larger scales for town properties, can be obtained from Mr. Stanford, 26 and 27 Cockspur Street, Charing Cross, London, S.W., who will afford full information respecting them.

Except by agreement between the Lord and Tenant, a Plan is not to be made in any case in which it shall appear by the Court Rolls or otherwise that the boundaries of the Land have been for more than 50 years last past treated as being intermixed with the boundaries of other Lands, and as being incapable of definition.


When Valuers have been appointed, a Lord or Tenant may, in any case of doubt or difference of opinion as to the identity of the Land, apply to the Board to ascertain and define the boundaries thereof.

*Minerals and other Reserved Rights.*

17. No Enfranchisement will extend to or affect the estate or rights of any Lord or Tenant in any of the mineral or other rights mentioned in Section 23 of the Act, without his express consent in writing. Therefore, when the Tenant desires and the Lord is willing to include and extinguish such rights of the Lord, the Lord's consent must be sent to the Valuers before they enter upon their Valuation, in order that they may include the rights in their Decision. A form of consent may be obtained from the Board, and the signed consent should be forwarded to them with the Decision.

*Board Prepare Award of Enfranchisement.*

18. When the compensation has been ascertained under the provisions of the Act, the Board, having made such inquiries as they think proper, and having considered any applications made to them by the parties, may make, in such form as they provide, an Award of Enfranchisement on the basis of the compensation, and the Award will be prepared by them.



*Board to Continue Conditions of User for Benefit of Public  
or other Tenants.*

19. The Board have power under Section 13 of the Act by the Award of Enfranchisement to continue and give effect to any condition affecting the user of the Land subject to which the Tenant may have been admitted, and which may have been imposed for the benefit of the public or of the other Tenants of the Manor, where, in the opinion of the Board, some special hardship or injustice would result if the Land were released from the condition.

*When Compensation to be a Rentcharge.*

20. Where the Enfranchisement is at the instance of the Lord, or where the Land can in the opinion of the Board be sufficiently identified, and the compensation amounts to more than one year's improved value of the Land, then, unless the parties otherwise agree, or the Tenant exercises the option hereafter mentioned, the compensation shall be an annual rentcharge of £4 per cent. per annum on the amount of the compensation, commencing from the date of the notice to enfranchise, and issuing out of the Land enfranchised.

The rentcharges are payable on the 1st of January and the 1st of July in each year, but are redeemable by the person for the time being in actual possession or in receipt of the rents and profits of the Land, on payment of 25 times the amount of the rentcharge.

*Compensation may be a Gross Sum at Option of Tenant.*—The Tenant has the option in all cases of paying the compensation in a gross sum of money; but in case of Enfranchisement by Award, he must within ten days after the receipt of the draft Award give notice in writing to the Board of his desire so to pay.

*Compensation to be Paid Prior to Confirmation of Award.*

21. When the compensation for Enfranchisement is a gross sum of money, the receipt of the person entitled to receive the same must be produced to the Board before the Enfranchisement Award can be confirmed.

*Questions of Law or Fact.*

22. If any questions of law or fact arise in the course of the Valuation on any compulsory Enfranchisement, they may be referred to the Board.

*Proceedings not to Abate in Case of Death of Lord or Tenant.*

23. If pending any proceedings the Lord or Tenant shall die, there shall be no abatement of the proceedings, and any admittance or enrolment consequent on such death must be made without the payment of any Fine, Relief, or Heriot, and the compensation must be ascertained as if the Enfranchisement had been effected immediately after the commencement of the proceedings.

*Who may Act for Lord.*

24. Any Lord may act either on his own behalf, or by his Steward, or may appoint an agent other than his Steward to act for him; but unless and until he has given written notice to the Tenant and the Board respectively that he intends to act on his own behalf, or that he has appointed an agent (to be named in the notice) other than his Steward, to act for him, the Steward shall, for the purposes of the Act, represent the Lord in all matters of procedure, and the Tenant and the Board may treat the



Steward as the agent of the Lord for the purpose of giving and receiving notices, making agreements, and all other matters relating to Enfranchisement ; except that no Steward shall without special authority have power to consent on behalf of the Lord to the rights comprised in Section 23 of the Act being affected by the Enfranchisement.

*When Lords or Tenants are Trustees.*

25. When either the Lords or the Tenants are Trustees, and one or more of the Trustees is abroad or is incapable or refuses to act, any proceedings necessary to be done by the Trustees for effecting an Enfranchisement under the Act may be done by the other Trustee or Trustees.

*Married Women.*

26. A married woman, being Lady of a Manor or Tenant, shall, for the purposes of the Act, be deemed to be a feme sole.

*Persons under Disability or Beyond the Seas.*

27. Where a Lord or a Tenant or any person interested in an Enfranchisement or otherwise under the Act is an infant or a lunatic, or is abroad, or is unknown, or not ascertained, anything by the Act required or authorised to be done by or in respect of him shall be done on his behalf, if he is an infant and has a guardian, by his guardian ; and if he is a lunatic and there is a committee of his estate, by the committee ; and if he is abroad and has an Attorney authorised in that behalf, by his Attorney ; and in every other case by some fit person appointed by the Board to represent him for the purposes of the Act.

*Appointment of Agent by Power of Attorney.*

28. An Agent or Attorney may be appointed by Power of Attorney by a Lord or Tenant, or other person interested in any proceedings under the Act, in the following form :—

“ Manor of \_\_\_\_\_, in the County of \_\_\_\_\_ .

“ I, A.B., of &c., hereby appoint C.D., of &c., to be my lawful Attorney to act for me in all respects as if I myself were present and acting in the execution of The Copyhold Act, 1894.

“ Dated the \_\_\_\_\_ day of \_\_\_\_\_ One thousand  
eight hundred and \_\_\_\_\_ .

“ (Signed) A.B.”

The Power of Attorney must be in writing, and be signed by the person giving it, or, if it is given by a Corporation aggregate, be sealed or stamped with the seal of the Corporation.

The Power of Attorney, or a copy authenticated by two witnesses, must be sent to the Board.

*Notices, Agreements, and Appointments to be Duly Signed.*

29. Every notice, agreement, or appointment of Valuer by the Lord must be signed by him or his agent or by the Steward, or if given or made by the Tenant must be signed by him, or by an agent duly authorised by Power of Attorney to act on his behalf.

*Service of Notices.*

30. A notice required or authorised by the Act to be given to any person must be given in writing, and may be served personally or by leaving it at the usual or last known

place of abode or business in the United Kingdom, or by sending it by post in a registered letter addressed to him at that place, or where he is a tenant of any premises by delivering the same, or a true copy of it, to some person on the premises, or if there is no person on the premises to whom it can be delivered, by fixing it on some conspicuous part of the premises.

*Copies of Notices and Other Documents to be Sent to the Board.*

31. Copies of all notices and appointments should be sent to the Board as soon as they are given or made.

*Scales of Compensation and Allowance to Valuers.*

32. A Scale of Compensation for Enfranchisement and a Scale of Allowance to Valuers, framed pursuant to Section 66 of the Act, for guidance, may be obtained on application to the Board. The person requiring an Enfranchisement should state to the other party to the Enfranchisement whether he is or is not willing to adopt the scale of compensation.

The scale of compensation will probably facilitate the settlement by agreement of the sum to be paid, especially in fine certain cases, in which the compensation is usually of small amount.

*Steward's Compensation.*

33. The compensation to be paid by a Tenant to the Steward in every case of compulsory Enfranchisement is fixed by Section 9 of the Act.

*Exemption from Stamp Duty.*

34. Agreements, Decisions of Valuers, and Powers of Attorney under the Act are not chargeable with Stamp Duty.

*Expenses.*

35. In case of any question as to the amount of the expenses relating to an Enfranchisement the matter may be referred to the Board.

Board of Agriculture,  
3 St. James's Square, London, S.W.

SCALE OF COMPENSATION IN ORDINARY CASES  
OF ENFRANCHISEMENT OF COPYHOLDS OF  
INHERITANCE.

(Framed pursuant to Section 66 of The Copyhold Act, 1894.)

*Fine Arbitrary Cases.*

1. In fine arbitrary cases when a fine is payable on alienation by, as well as on the death of, a tenant, the compensation for fines should not exceed the number of years' annual value of the property, according to the age of the tenant, as set forth in the table hereto annexed.

2. The table is calculated on the principle that a fine of two years' annual value is payable on each change of tenancy: therefore, in those manors in which the customary fine on alienation by, or on the death of, a tenant is less than two years' annual value, a proportionate reduction should be made in the amount of the compensation.

3. In estimating the annual value of the property, no deduction should be made for land tax, but the quit rent should be deducted, and where there are buildings allowance should be made for keeping the buildings in repair. The gross annual value of the land for the poor rate assessment may be used when applicable as the basis for ascertaining the annual value.

4. When there are facilities for improvement or the land has present or prospective building value one twenty-fifth part of the fee simple value may be taken as the annual value.

*Fine Certain Cases.*

5. In fine certain cases when a fine is payable on alienation by, as well as on the death of, a tenant, the compensation for fines may be calculated by multiplying the amount of the fine by one half of the number of years' purchase given in the table according to the age of the tenant.

*Reliefs.*

6. The amount of compensation for a relief may be calculated in like manner as a fine certain.


*Heriots.*

7. The compensation for a heriot payable on alienation by, as well as on the death of, a tenant, may be calculated by multiplying the value of the heriot by one half of the number of years' purchase given in the table according to the age of the tenant.

8. The value of a heriot may generally be ascertained from the average value of the last three heriots taken or paid in respect of the property to be enfranchised. If that information cannot be obtained, or will not apply, the following circumstances should be taken into consideration in fixing the value of a heriot: namely, the nature of the heriot, the character and value of the property, the condition in life of the tenant, and also whether the heriot can be seized as well without as within the manor.

*When Fine Payable only on One of the Events of Alienation or Death.*

9. The table being calculated on the assumption that fines and heriots are payable both on alienation by, and on



the death of, a tenant, when a fine, whether arbitrary or certain, or a heriot, is payable only on one of those events, then only one half of the compensation calculated as previously directed should be given.

*When Fine Payable on Death of Lord.*

10. In manors in which fines or heriots are payable on the death of the lord, as well as on alienation by or on the death of a tenant, the compensation on enfranchisement should be increased according to the nature and amount of the customary fine or heriot payable in the manor on the death of the lord.

*Quit Rents and Other Annual Payments.*

11. The compensation for quit rents, free rents, and other annual rents, services, or payments should be calculated at twenty-five years' purchase.

*Timber.*

12. Compensation for timber should be ascertained as follows:—When by the custom of the manor the lord can enter upon the land, and cut and carry away the timber without the consent of the tenant, its whole value, after making a sufficient allowance for repairs, should be given to the lord. But if the lord cannot enter and cut without the consent of the tenant, one half only of its value, after making a sufficient allowance for repairs, should be given. If, however, there be any special custom in the manor relating to timber, such custom should be regarded.

*Forfeitures, &c.*

13. The compensation for forfeitures, and all other incidents of copyhold tenure, not hereinbefore provided for, should not exceed 20 per cent. of the annual value of the property. The annual value may be ascertained as in paragraphs 3 and 4.

*Escheat.*

14. The right of escheat being reserved to the lord under The Copyhold Act, 1894, its value is not to be taken into consideration.

*Special Customs or Circumstances.*

15. If there be any special customs or circumstances connected with any manor which would affect the compensation payable for enfranchisement, they should be taken into consideration, and due allowance should be made in respect of them.

16. The foregoing scale is for guidance only, and is not binding as a matter of law in any particular case; but the party requiring enfranchisement should, in accordance with the Act, state to the other party whether or no he is willing to adopt the scale.

Board of Agriculture,

3 St. James's Square, London, S.W.



TABLE REFERRED TO IN THE FOREGOING SCALE OF  
COMPENSATION FOR ENFRANCHISEMENT.

Age of Tenant.	Number of Years' Purchase.	Age of Tenant.	Number of Years' Purchase.	Age of Tenant.	Number of Years' Purchase.
5		37	3.26	70	4.50
or under	2.29	38	3.29	71	4.54
6	2.32	39	3.33	72	4.57
7	2.34	40	3.36	73	4.60
8	2.37	41	3.40	74	4.63
9	2.40	42	3.43	75	4.67
10	2.43	43	3.46	76	4.70
11	2.46	44	3.50	77	4.73
12	2.49	45	3.53	78	4.76
13	2.52	46	3.57	79	4.78
14	2.55	47	3.60	80	4.81
15	2.58	48	3.64	81	4.83
16	2.61	49	3.67	82	4.85
17	2.63	50	3.71	83	4.88
18	2.66	51	3.75	84	4.90
19	2.69	52	3.78	85	4.92
20	2.73	53	3.82	86	4.94
21	2.76	54	3.86	87	4.95
22	2.79	55	3.90	88	4.97
23	2.82	56	3.93	89	4.99
24	2.85	57	3.97	90	5.00
25	2.88	58	4.01	91	5.02
26	2.91	59	4.06	92	5.03
27	2.94	60	4.10	93	5.05
28	2.97	61	4.14	94	5.06
29	3.00	62	4.18	95	5.08
30	3.04	63	4.23	96	5.10
31	3.07	64	4.27	97	5.12
32	3.10	65	4.31	98	5.13
33	3.13	66	4.35	99	5.15
34	3.16	67	4.39	100	5.16
35	3.20	68	4.43	or	
36	3.23	69	4.47	upwards	

In constructing this table a fine arbitrary on admission has been taken as equivalent to two years' annual value, and, whilst the average fine interval has been assumed to be fourteen years, regard has been had to the age of the tenant on the rolls.

SCALE OF ALLOWANCE TO VALUERS FOR  
THEIR SERVICES IN THE EXECUTION OF  
THE COPYHOLD ACT, 1894.

(Framed pursuant to Section 66 of the said Act.)

*Allowance in Respect of the Annual Value of the Property  
Enfranchised.*

Annual Value.		Allowance.		
	£	£	s.	d.
Not exceeding	10	2	10	0
„	25	3	0	0
„	50	4	0	0
„	75	5	0	0
„	100	6	0	0
„	125	7	0	0
„	150	8	0	0
„	200	9	0	0
„	250	10	0	0

For every £50 above £250 annual value £1.

In addition to the above, a further allowance in respect of so much of the compensation as is not payable for fines, or based on annual value, of 5 per cent. upon the amount of such compensation up to £50, and  $2\frac{1}{2}$  per cent. upon the amount of such compensation, if any, in excess of £50.

This scale does not include travelling and other expenses out of pocket, and is applicable only to cases of an ordinary character, and in which there are no special circumstances.

Charges for tracings or plans, when necessary, will be allowed; but an Ordnance Survey Map should be used when available.

When a case is referred to an umpire the valuers will be entitled to an additional allowance of from £2 upwards, having regard to the time occupied for attendance before the umpire.

This scale is for guidance only.

Board of Agriculture,  
3 St. James's Square, London, S.W.

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INFORMATION TO BE FURNISHED TO THE  
BOARD OF AGRICULTURE IN EVERY CASE OF  
ENFRANCHISEMENT UNDER THE COPYHOLD ACT, 1894.

*Manor of*

*Parish of*

*County of*

..... *Enfranchisement.*

The Lands are described in the Schedule hereto.

1. Name in full, and address of the Lord.
2. Is the Lord seised in fee simple, fee tail, for life, or how otherwise? and if not seised in fee, who is entitled to the first vested Estate of Inheritance in the Manor?
3. How is the Compensation Money proposed to be paid?  
To the Lord?

To Trustees acting under the Will or Settlement under which the Lord holds? If so, give names, addresses, and descriptions.

To Trustees to be nominated by the Board of Agriculture if there be no Trustees acting under the Will or Settlement, or if the Lords be a Corporation?

Into the Bank of England *ex parte* the Board of Agriculture?

To the Church Estates Commissioners?

To the Governors of Queen Anne's Bounty?

Or, To the Official Trustees of Charitable Funds?

4. Is the Manor incumbered? and, if so, state the nature of such incumbrance, and the names and addresses of the persons entitled thereto; also what proportion the aggregate amount of the incumbrances will bear to the value of the Manor, and also to the value of the lands charged together with the Manor, if any, after the proposed Enfranchisement shall have taken place.

5. Name in full and address and profession or calling of the Tenant.

6. Date of Admittance or Enrolment of Tenant.

7. Has Notice of Compulsory Enfranchisement been given under The Copyhold Act, 1894?

8. Is the property Copyhold of Inheritance, or for Lives, or Freehold, or Customary Freehold of the Manor?

9. Age of the Tenant.

10. If for Lives, the names and ages of the Lives.

11. Has the Tenant a right of renewal?

12. Is the Land subject to Fines certain or Reliefs or Fines arbitrary? and if arbitrary, whether by custom there is any and what difference in the amount of Fine on death and on alienation?

13. The amount of the last Fine or Relief, and whether paid in consequence of death or alienation.

14. The annual amount of Quit or Free Rents.

15. Is the property subject to Heriots? and, if so, state the nature and number of the Heriots, the circumstances under which they are payable, and whether seisable as well without as within the Manor, and the nature and value of the last three Heriots taken.

16. Does the Lord claim the Timber? and, if so, can he enter and cut, and carry away, without the consent of the Tenant?

17. Has the Tenant power to demise his lands? and, if so, for what period?

18. Has the Lord granted Licences to demise in the Manor? and, if so, on what terms?

19. Does the Lord claim the Mines, Minerals, and other rights reserved by The Copyhold Act, 1894, Section 23? and, if so, is it proposed to extinguish these rights, and for what consideration?

20. The Quantity of Land proposed to be Enfranchised.

21. The estimated annual value, separately, of the Land and of the House Property, and also the value of each, after deducting for Quit Rents and Repairs. What is the estimated value of the Timber?

22. Are there any circumstances, such as aptitude for building, which will give the property greatly increased value as Freehold? and, if so, what is the estimated fee simple value of the property?

23. The amount of Compensation for the Enfranchisement, and the particulars of the calculations by which it has been arrived at.

Dated this                      day of                      189 .

..... Steward of the Manor.

..... Address.

SCHEDULE OF THE LANDS TO BE ENFRANCHISED.

The Court Roll description by which the Tenant was admitted or enrolled to be given in the Schedule; and, in addition, the modern description of the parcels, if such a description be agreed upon and is desired to be inserted in the Award or Deed of Enfranchisement.

To be signed by Lord or Steward (a) and Tenant when the Compensation is settled by Agreement.

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We do hereby agree that the Compensation for the Enfranchisement of the Lands above mentioned, including [or not including] the rights (b) reserved by The Copyhold Act, 1894, Section 23, shall be [a gross sum of £ or annual rentcharge of £ ]. (c)

Dated this                      day of                      189 .

..... Lord or Steward.

..... Tenant.

---

(a) Steward may sign for Lord if reserved rights be not included; but if they are included, he cannot do so without special authority.

(b) Cross out reference to reserved rights if they do not belong to the Lord.

(c) For an alternative form to this see Form 4, Appendix IV., page 202, *infra*.

## APPENDIX IV.

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### FORMS FOR USE UNDER THE COPYHOLD ACT, 1894.

*[Forms marked with an asterisk (\*) are supplied by the  
Board of Agriculture.]*

#### No. 1.

##### NOTICE OF RIGHT TO ENFRANCHISE.

(See Section 42 of the Act.)

To [*Name of Admitted Copyholder*].

Take Notice that if you desire that the Copyhold Land which you hold of this Manor of \_\_\_\_\_ shall become freehold, you are entitled to enfranchise the same on paying the Lord's compensation and the Steward's fees. The Lord's compensation may be fixed either by agreement between the Lord and you, or by a Valuer appointed by the Lord and you, or through the agency of the Board of Agriculture, to whom you may make application if you think fit to effect the enfranchisement.

(Signed)

Steward of the Manor of \_\_\_\_\_

Dated &c.

**No. 2.\*****NOTICE FROM LORD OR TENANT OF DESIRE FOR EXTINGUISHMENT  
OF MANORIAL INCIDENTS, AND ENFRANCHISEMENT.**

(See Sections 2 and 4 of the Act.)

*Manor of**in the County of*

I , of  
 in the Parish of , in the County  
 of , do hereby, pursuant to the provisions  
 of The Copyhold Act, 1894, give you notice of my desire  
 that the [*insert heriot, quit rents, or free rents as the case may be*]  
 or other manorial incidents to which the lands freehold or  
 customary freehold of the above Manor, shortly described  
 in the Schedule endorsed hereon, are liable, shall be  
 extinguished, and the said lands be released therefrom, and  
 enfranchised under the said Act.

Dated this            day of            , 189 .

*Signature, stating whether  
 Lord or Tenant.*

*To**Of*

*Tenant of the said Lands,  
 or*

*Lord or Steward of the Manor.*

**THE SCHEDULE.**

NOTE.—A copy of this Notice should be forwarded to the Secretary,  
 Board of Agriculture, 3 St. James's Square, London, S.W., with an  
 endorsement stating when and how the original Notice was served.



**No. 3.\***NOTICE FROM LORD OR TENANT OF DESIRE FOR  
ENFRANCHISEMENT OF COPYHOLDS.

(See Section 4 of the Act.)

*Manor of**in the County of*

I , of ,  
in the Parish of , in the County  
of , do hereby, pursuant to the provisions  
of The Copyhold Act, 1894, give you notice of my desire  
that the lands copyhold of the above Manor, to which  
you were [*or I was*] admitted on or about the  
day of , 189 , shall be enfranchised under  
the said Act.

Dated this day of , 189 .

*Signature, stating whether  
Lord or Tenant.*

*To**Of*

*A Tenant of the Manor,  
or  
Lord or Steward of the Manor.*

---

NOTE.—A copy of this Notice should be forwarded to the Secretary, Board of Agriculture, 3 St. James's Square, London, S.W., with an endorsement stating when and how the original Notice was served.

**No. 4.****AGREEMENT BETWEEN LORD AND TENANT AS TO THE AMOUNT  
OF THE COMPENSATION.**

(See Section 5, Sub-section 2 (a), of the Act; and see also  
*ante*, page 198.)

*Manor of*  
*in the County of*

*X. Y.'s Enfranchisement.*

We, \_\_\_\_\_, and \_\_\_\_\_,  
do hereby agree that the compensation for the enfranchise-  
ment of the lands comprised in the Notice of Desire for  
Enfranchisement given by the said \_\_\_\_\_,  
dated on or about the \_\_\_\_\_ day of \_\_\_\_\_ 189 \_\_\_\_\_,  
including [*or not including*] the rights reserved by The  
Copyhold Act, 1894, Section 23, shall be as follows:—

[Set out terms.]

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 189 \_\_\_\_\_.

*Signature of Lord*  
*or Steward (a).*

*Signature of Tenant.*

---

(a) Steward may sign for Lord if reserved rights be not included; but if they are included, he cannot do so without special authority.

**No. 5.\*****AGREEMENT BETWEEN LORD AND TENANT THAT THE BOARD OF  
AGRICULTURE SHALL DETERMINE THE COMPENSATION FOR  
ENFRANCHISEMENT.**

(See Section 5, Sub-section 2 (b), of the Act.)

*Manor of*

*in the County of*

*X. Y.'s Enfranchisement.*

We, \_\_\_\_\_ and \_\_\_\_\_,  
do hereby agree that the compensation for the enfranchisement of the lands comprised in the Notice of Desire for Enfranchisement given by the said \_\_\_\_\_,  
dated on or about the \_\_\_\_\_ day of \_\_\_\_\_ 189 \_\_\_\_\_,  
including [*or not including*] the rights reserved by The Copyhold Act, 1894, Section 23, shall be determined by the Board of Agriculture pursuant to Section 5 of the said Act.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 189 \_\_\_\_\_.

*Signature of Lord  
or Steward (a).*

*Signature of Tenant.*

---

(a) Steward may sign for Lord if reserved rights be not included; but if they are included, he cannot do so without special authority.

## No. 6.

NOTICE OF DESIRE THAT VALUATION SHOULD BE BY A VALUER  
OR VALUERS APPOINTED BY THE LORD AND TENANT.

(See Section 5, Sub-section 2 (ii.), of the Act.)

Manor of  
in the County of

X. Y.'s Enfranchisement.

I, of ,  
in the Parish of , in the County  
of , do hereby, pursuant to the  
provisions of The Copyhold Act, 1894, give you notice of my  
desire that the compensation for [*the heriots, rents, licences  
at fixed rates to demise or to fell timber, or the enfranchisement  
of the lands copyhold of the above manor*] comprised in the  
Notice of Desire for Enfranchisement given by the said  
, dated on or about the ,  
shall be determined by a valuer or valuers appointed by  
[*the Lord*] and [*the Tenant*] and not by a valuer appointed  
by the Justices of the Petty Sessions holden at .

Dated this day of , 189 .

Signature.

To

[*Lord or Steward  
or Tenant.*]

**No. 7.\*****APPOINTMENT OF VALUER BY LORD OR TENANT.**

(See Section 5, Sub-section 4 (a), of the Act.)

*Manor of*

*in the County of*

*X. Y.'s Enfranchisement.*

I , of , in the County of , do, in pursuance of the provisions of The Copyhold Act, 1894, hereby appoint , of , my valuer for the purpose of determining the compensation for the enfranchisement of the lands comprised in the Notice of Desire for Enfranchisement given by , and dated on or about the day 189 .

Dated this day of , 189 .

*Signature, stating whether  
Lord or Tenant.*

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**NOTE.**—A copy of this Appointment should be sent to the Secretary, Board of Agriculture, 3 St. James's Square, London, S.W.

**No. 8.\***

## JOINT APPOINTMENT OF ONE VALUER BY LORD AND TENANT.

(See Section 5 of the Act.)

*Manor of*  
*in the County of*

*X.Y.'s Enfranchisement.*

We , of , in the  
 County of , and , of  
 in the County of , do, in pursuance of the  
 provisions of The Copyhold Act, 1894, hereby appoint  
 , of , in the County of ,  
 to be the valuer, for the purpose of determining the com-  
 pensation for the enfranchisement of the lands comprised  
 in the Notice of Desire for Enfranchisement given by the  
 said , and dated on or  
 about the day of , 189 .

Dated this day of , 189 .

.....*Lord of the above Manor.*

.....*Tenant.*

NOTE.—A copy of this Appointment should be sent to the Secretary,  
 Board of Agriculture, 3 St. James's Square, London, S.W.

**No. 9.\*****NOTICE OF APPOINTMENT OF VALUER FROM LORD OR TENANT,  
AND CALLING ON THE OTHER TO APPOINT HIS VALUER.**

(See Section 5, Sub-section 4 (c), of the Act.)

*Manor of*  
*in the County of*

*X. Y.'s Enfranchisement.*

I , of ,  
in the County of , hereby give you notice  
that I have, in pursuance of the provisions of The Copyhold  
Act, 1894, appointed ,  
of , my valuer for the purpose of  
determining the compensation for the enfranchisement of  
the lands comprised in the Notice of Desire for Enfranchise-  
ment given by , and dated  
on or about the day of , 189 ;  
and I hereby call on you to appoint your valuer within  
twenty-eight days from the giving of this notice, being the  
time limited by the said Act.

Dated this day , 189 .

*Signature, stating whether  
Lord or Tenant.*

*To*

*Of*

*Tenant,*

*or*

*Lord or Steward of the Manor.*

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NOTE.—A copy of this Notice should be sent to the Secretary,  
Board of Agriculture, 3 St. James's Square, London, S.W., with an  
endorsement stating when and how the original Notice was served.

### APPOINTMENT OF UMPIRE BY VALUERS.

*Manor of*

### X. Y.'s *Enfranchisement.*

We the undersigned, being the Valuers duly appointed in the matter of this Enfranchisement, hereby appoint \_\_\_\_\_, of \_\_\_\_\_, our Umpire.

Dated this            day of            , 189 .

NOTE.—A copy of this Appointment should be sent to the Secretary, Board of Agriculture, 3 St. James's Square, London, S.W. If the Valuers are unable to agree upon an Umpire within fourteen days of their appointment, application should at once be made to the Board to appoint an Umpire for them.



**No. 10a.\***

## APPOINTMENT OF VALUER OR UMPIRE BY THE BOARD OF AGRICULTURE.

(See Section 5, Sub-section 4 (c) and (f) ).

Manor of

*in the County of*

### *X. Y.'s Enfranchisement.*

**WHEREAS** in the matter of the above enfranchisement under The Copyhold Act, 1894 [*recite Tenant or Lord failed to appoint a Valuer, or Valuers failed to appoint an Umpire*],  
failed to appoint \_\_\_\_\_, within the time allowed by the said Act :

NOW THEREFORE the Board of Agriculture, in pursuance of The Copyhold Act, 1894, do hereby appoint [*insert name and address of person appointed*] to be the [*Valuer or Umpire*] for the purpose of determining the compensation for the enfranchisement of the lands comprised in the Notice of Desire for Enfranchisement given by \_\_\_\_\_, and dated on or about the \_\_\_\_\_ day of \_\_\_\_\_ 189 .

IN WITNESS whereof the Board of Agriculture have  
hereunto set their official seal this       day of       ,  
189 .

## No. 11.

APPLICATION TO BOARD OF AGRICULTURE FOR REMOVAL OF  
VALUER OR UMPIRE.

(See Section 5, Sub-section 5, of the Act.)

*Manor of**in the County of**X. Y.'s Enfranchisement.*

To the Board of Agriculture.

I [*Lord or Tenant*], in pursuance of the provisions in that behalf contained in The Copyhold Act, 1894, hereby beg to apply that [*name of valuer or umpire*] may be removed from being [*valuer or umpire*] in the above enfranchisement, on the ground [*set out ground*].

The following are the facts rendering this application necessary [*set out facts shortly*].

Dated this                      day of                      , 189 .

I have the honour to be,

(Signed) .

## No. 12.

APPOINTMENT OF NEW VALUER OR UMPIRE IN PLACE OF ONE  
DECEASED, REMOVED, &c.

(See Section 5, Sub-section 6, of the Act.)

*Manor of**in the County of**X. Y.'s Enfranchisement.*

I [*Lord or Tenant, or we Lord and Tenant or Valuers*], in pursuance of the provisions in that behalf contained in The Copyhold Act, 1894, do hereby appoint [ ] as [*valuer or umpire*] instead of [*name of valuer or umpire deceased or removed by the Board of Agriculture*].

Dated this            day of            , 189 .

(Signed)

## No. 13.\*

## DECISION OF VALUER OR VALUERS.

(See Section 7 of the Act.)

Manor of  
in the County of

## X. Y.'s Enfranchisement.

In the matter of the above enfranchisement under The Copyhold Act, 1894, I [or We], of , in the County of [insert Name and Address of Valuer or Valuers], having been duly appointed to determine the compensation to be paid for the enfranchisement of the lands in the Schedule hereunder written and comprised in the Notice of Desire for Enfranchisement given by , dated on or about the day of , 189 , do hereby, in pursuance of The Copyhold Act, 1894, determine and decide as follows: that is to say—

I [or We] determine and decide that the compensation to be paid for the enfranchisement of the said lands under the said Act is the sum of (a) , being the value of all the manorial rights and incidents of tenure affecting the said lands, excepting [or including] the rights reserved by Section 23 of the said Act, and [or but] excepting the value of the right of escheat for want of heirs reserved by Section 21 of the said Act.

Witness my hand [or our hands] this day of , 189 .

[Signature of Valuer or Valuers.]

---

(a) The compensation determined to be a gross sum of money.

## THE SCHEDULE HEREINBEFORE REFERRED TO.

*[Set out a description of the lands to be enfranchised.]*

The Court Roll description by which the Tenant was admitted or enrolled should be given in the Schedule, and, in addition, the modern description of the parcels, if such a description be agreed upon.

The Schedule as well as the Decision should be signed by the Valuer or Valuers.

The Declaration of each Valuer should be annexed, and also the Consent of the Lord when the rights reserved by The Copyhold Act, 1894, Section 23, are included.

The Decision should be forwarded to the Secretary, Board of Agriculture, 3 St. James's Square, London, S.W., and a copy should be sent to the Steward, and to the Tenant or his Solicitor, and the Board should be informed that this has been done when the Decision is sent in.

**No. 14.\***

## DECISION OF UMPIRE.

(See Section 7 of the Act.)

*Manor of*  
*in the County of*

*X. Y.'s Enfranchisement.*

Whereas in the matter of the above enfranchisement under The Copyhold Act, 1894, the Valuers duly appointed have failed to make their decision :

And whereas I , of ,  
in the County of , have been duly appointed  
the Umpire in the said matter, which has been duly  
referred to me :

Now therefore, in pursuance of The Copyhold Act, 1894, I do hereby determine and decide that the compensation to be paid for the enfranchisement under the said Act of the lands in the Schedule hereunder written and comprised in the Notice of Desire for Enfranchisement given by  
dated on or about the            day of            , 189 ,  
is the sum of (a)            , being the value of all  
the manorial rights and incidents of tenure affecting the  
said lands, excepting [or including] the rights reserved by  
Section 23 of the said Act, and [or but] excepting the  
value of the right of escheat for want of heirs reserved by  
Section 21 of the said Act.

Witness my hand this            day of            , 189 .

[Signature.]

---

(a) The compensation determined to be a gross sum of money.

## THE SCHEDULE HEREINBEFORE REFERRED TO.

*[Set out a description of the lands to be enfranchised.]*

The Court Roll description by which the Tenant was admitted or enrolled should be given in the Schedule, and, in addition, the modern description of the parcels, if such a description be agreed upon.

The Schedule, as well as the Decision, should be signed by the Umpire.

The Declaration of the Umpire must be annexed, and also the Consent of the Lord when the rights reserved by The Copyhold Act, 1894, Section 23, are included.

The Decision should be forwarded to the Secretary, Board of Agriculture, 3 St. James's Square, London, S.W., and a copy should be sent to the Steward, and to the Tenant or his Solicitor, and the Board should be informed that this has been done when the Decision is sent in.

**No. 14a.\*****DETERMINATION OF THE BOARD OF AGRICULTURE.**

(See Section 7, Sub-section 8, of the Act.)

*Manor of*

*in the County of*

*X. Y.'s Enfranchisement.*

WHEREAS in the matter of the above enfranchisement under The Copyhold Act, 1894 [*state reason, showing power of Board to decide*]:

NOW THEREFORE the Board of Agriculture do, by virtue of the powers vested in them by The Copyhold Act, 1894, hereby determine and decide that the compensation to be paid for the enfranchisement of the lands comprised in the Notice of Desire for Enfranchisement given by , and dated on or about the day of , 189 , which said lands are described in the Schedule hereto, is the sum of , being the value of all the manorial and other rights and incidents affecting the said lands, excepting [*or including*] the rights reserved by Section 23 of the said Act, and [*or but*] excepting the value of the right of escheat for want of heirs reserved by Section 21 of the said Act.

IN WITNESS whereof the Board of Agriculture have hereunto set their official seal this day of 189 .

THE SCHEDULE HEREINBEFORE REFERRED TO.



**No. 15.**

NOTICE BY TENANT OF DESIRE TO PAY COMPENSATION  
IN A GROSS SUM.

(See Section 8 of the Act.)

*Manor of*  
*in the County of*

*X. Y.'s Enfranchisement.*

To the Board of Agriculture.

I \_\_\_\_\_, of \_\_\_\_\_,  
tenant of the lands comprised in the above enfranchisement,  
do hereby give notice that I desire to pay the sum awarded  
as the compensation for the said enfranchisement in a gross  
sum, and not by an annual rentcharge.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 189 \_\_\_\_\_.

Signed [*Tenant*].

**No. 16.\***

AWARD OF ENFRANCHISEMENT WHEN THE CONSIDERATION  
IS A GROSS SUM.

(See Section 10 of the Act.)

WHEREAS the lands described in the Schedule hereto  
are held by Copy of Court Roll of the Manor of \_\_\_\_\_,  
in the County of \_\_\_\_\_, and  
is the tenant upon the Court Roll of the said lands:

AND WHEREAS the enfranchisement of the said lands  
has been duly required according to the provisions of The  
Copyhold Act, 1894 [*if reserved rights to be included, recite  
Lord's consent*]:

AND WHEREAS the amount to be paid for such enfranchisement has been ascertained, according to the provisions of the said Act, to be the sum of £                      , which has been duly paid and the receipt for the same has been produced to the Board of Agriculture :

AND WHEREAS all other acts and matters required by the said Act, previously to the confirmation of this Award of Enfranchisement, have been duly done and performed :

Now the Board of Agriculture, in pursuance of the powers vested in them by The Copyhold Act, 1894, do, by this Award of Enfranchisement, enfranchise all the said copyhold lands described in the Schedule hereto, with their appurtenances, excepting [*or including*] the rights reserved by Section 23 of the said Act, to be holden, as freehold, henceforth and for ever discharged from all fines, heriots, reliefs, quit rents, and all other incidents whatsoever of copyhold or customary tenure [*if minerals excepted, insert "except as aforesaid"*], but so as not to affect such right of escheat for want of heirs as is reserved by Section 21 of the said Act.

IN WITNESS and Confirmation whereof the Board of Agriculture have hereunto set their official seal this  
day of    , 189     .

THE SCHEDULE HEREINBEFORE REFERRED TO.

## No. 16a.\*

AWARD OF ENFRANCHISEMENT WHEN THE CONSIDERATION  
IS A RENTCHARGE.

(See Sections 8 and 10 of the Act.)

WHEREAS the lands described in the Schedule hereto are held by Copy of Court Roll of the Manor of \_\_\_\_\_, in the County of \_\_\_\_\_, and \_\_\_\_\_ is the Tenant upon the Court Roll of the said lands :

AND WHEREAS the enfranchisement of the said lands has been duly required according to the provisions of The Copyhold Act, 1894 *[if reserved rights to be included, recite Lord's consent]* :

AND WHEREAS the compensation for such enfranchisement has been ascertained, according to the provisions of the said Act, to be an annual rentcharge of £ \_\_\_\_\_ issuing out of the said lands :

AND WHEREAS all other acts and matters required by the said Act previously to the confirmation of this Award of Enfranchisement have been duly done and performed :

Now the Board of Agriculture, in pursuance of the powers vested in them by The Copyhold Act, 1894, do, by this Award of Enfranchisement, enfranchise all the said copyhold lands described in the Schedule hereto, with their appurtenances, excepting *[or including]* the rights reserved by Section 23 of the said Act, To be holden, subject to the payment of the said annual rentcharge, as freehold, henceforth and for ever discharged from all fines, heriots, reliefs, quit rents, and all other incidents whatsoever of copyhold or customary tenure *[if minerals excepted, insert "except as aforesaid"]*, but so as not to affect such right of escheat for want of heirs as is reserved by Section 21 of the said Act.

IN WITNESS and Confirmation whereof the Board of Agriculture have hereunto set their official seal this  
day of \_\_\_\_\_, 189 .

THE SCHEDULE HEREINBEFORE REFERRED TO.

**No. 16b.\*****AWARD OF ENFRANCHISEMENT FROM HERIOTS, QUIT RENTS,  
OR FREE RENTS.**

(See Sections 2 and 10 of the Act.)

WHEREAS the lands described in the Schedule hereto are freehold or customary freehold of the Manor of \_\_\_\_\_, in the County of \_\_\_\_\_, liable to certain [*insert "heriots," "quit rents," or "free rents," as the case may be*] and other manorial incidents, and \_\_\_\_\_, of \_\_\_\_\_, is the tenant or owner of the said lands:

AND WHEREAS it has been duly required that the said [*insert "heriots," "quit rents," or "free rents"*] and other manorial incidents should be extinguished, and the said lands released and enfranchised therefrom, according to the provisions of The Copyhold Act, 1894:

AND WHEREAS the compensation to be paid for such extinguishment, release, and enfranchisement has been ascertained, according to the provisions of the said Act,

to be the sum of £ , which has been duly paid, and the receipt for the same has been produced to the Board of Agriculture :

AND WHEREAS all other acts and matters required by the said Act previously to the confirmation of this Award of Enfranchisement have been duly done and performed :

Now the Board of Agriculture, in pursuance of the powers vested in them by The Copyhold Act, 1894, do, by this Award, extinguish all the said [*insert "heriots," "quit rents," or "free rents"*] and all other manorial incidents to which the lands described in the Schedule hereto are liable, and release and enfranchise the said lands therefrom, but so as not to affect such right of escheat for want of heirs as is reserved by Section 21 of the said Act.

IN WITNESS and Confirmation whereof the Board of Agriculture have hereunto set their official seal this  
day of 189 .

THE SCHEDULE HEREINBEFORE REFERRED TO.



**No. 18.**

APPLICATION BY LORD TO BOARD OF AGRICULTURE  
FOR PERMISSION TO PURCHASE TENANT'S INTEREST IN THE LAND.

(See Section 11 of the Act.)

*Manor of*  
*in the County of*

*X. Y.'s Enfranchisement.*

To the Board of Agriculture.

I, A. B., of , Esquire, Lord  
of the above-mentioned Manor of ,  
having received a notice from the above-named X. Y., under  
The Copyhold Act, 1894, requiring enfranchisement of the  
lands mentioned or referred to in the annexed statement and  
held of the said manor, and being of opinion that the change  
which would be effected in the condition of the said lands by  
the proposed enfranchisement would prejudicially affect the  
enjoyment [or value] of my mansion house [park, gardens,  
or pleasure grounds], hereby, pursuant to the provisions  
contained in Section 11 of the said Act, make application to  
your Honourable Board for permission to purchase the  
interest of the said X. Y. in the said lands.

In support of my application I have annexed hereto a  
statement setting forth the grounds on which I consider that  
I should be injured by the proposed enfranchisement being  
carried into effect, together with a plan of the respective  
premises.

Dated the                      day of                      , 189 .

A. B.,

Lord of the above-mentioned Manor.

STATEMENT.

## No. 19.

OFFER BY LORD TO TENANT TO PURCHASE THE TENANT'S  
INTEREST IN THE LAND.

(See Section 11 of the Act.)

*Manor of**in the County of**X. Y.'s Enfranchisement.*

To the above-named X. Y.

Being of opinion that the change which would be effected in the condition of the lands the subject of the proposed enfranchisement by such enfranchisement being carried into effect would prejudicially affect the enjoyment [or value] of my mansion house [park, gardens, or pleasure grounds], I have, in pursuance of the provisions contained in Section 11 of The Copyhold Act, 1894, made application to the Board of Agriculture for permission to purchase your interest in the said lands, and, having received such permission, I by this notice in writing under my hand, in further pursuance of the provisions of the said Section, offer to purchase your interest in the said lands, and require you to accept such offer within twenty-eight days after receiving this notice.

Dated the            day of            189 .

A. B.,

Lord of the above-mentioned Manor.



## No. 20.

## ACCEPTANCE BY COPYHOLDER OF LORD'S OFFER TO PURCHASE.

(See Section 11 of the Act.)

*Manor of**in the County of**X. Y.'s Enfranchisement.*

To the Board of Agriculture.

In accordance with the provisions contained in Section 11 of The Copyhold Act, 1894, I hereby state my acceptance of the offer made by A. B., Esquire, Lord of the above-mentioned Manor, to purchase my interest in the lands the subject of the proposed enfranchisement above referred to, subject to the consideration for such purchase being settled by agreement between us, or, in default, by a valuation to be made pursuant to the provisions of the said Section.

Dated this                      day of                      , 189 .

X. Y.

**No. 21.****AGREEMENT BETWEEN LORD AND COPYHOLDER AS TO VALUE  
OF INTEREST OF THE LATTER.**

(See Section 11 of the Act.) (a)

*Manor of*  
*in the County of*

*X. Y.'s Enfranchisement.*

A. B., Lord of the above-mentioned Manor, having offered, under Section 11 of The Copyhold Act, 1894, to purchase the interest of the said X. Y. in the lands the subject of the present enfranchisement above referred to, and such offer having been duly accepted by the said X. Y., it is hereby mutually agreed between the said A. B. and the said X. Y. that the consideration for such purchase shall be settled and taken at the sum of £

Dated the                      day of                      , 189 .

A. B.

X. Y.

---

(a) For Form of Application for Further Time for Payment of Consideration on Purchase by the Lord see Form 21a.

**No. 21a.****APPLICATION FOR FURTHER TIME FOR PAYMENT OF  
CONSIDERATION ON PURCHASE BY THE LORD.**

(See Section 11 of the Act.)

*Manor of*

*in the County of*

In the matter of the purchase by the lord of the above-mentioned manor under Section 11 of The Copyhold Act, 1894, of lands in respect of which Mr. X. Y., a tenant of the said manor, has given a notice requiring enfranchisement.

To the Board of Agriculture.

I, A. B., lord of the above-mentioned manor, hereby make application to your Honourable Board that the time for payment of the consideration money on the above-mentioned purchase (which by your Certificate dated the       day of       , 189 , was fixed for the       day of       , 189 ) may be extended until the       day of       , 189 . The grounds on which I make this application are set forth at the foot hereof.

[GROUNDS OF THE APPLICATION.]

**No. 21b.\*****EXTENSION OF TIME.**

(See Section 5, Sub-section 4 (c); Section 7, Sub-section 3;  
and Section 11, Sub-section 7, of the Act.)

*Manor of*  
  
*in the County of*

*X.Y.'s Enfranchisement.*

WHEREAS application has been made to the Board of Agriculture to extend the time allowed by The Copyhold Act, 1894, to the [*insert purpose of application*]:

NOW THEREFORE the Board of Agriculture, having duly considered the grounds of the said application, do, by virtue of the powers vested in them by The Copyhold Act, 1894, hereby extend the time within which [ ] to the            day of            , 189 .

IN WITNESS whereof the Board of Agriculture have hereunto set their official seal this            day of            , 189 .

**No. 22.**

### SURRENDER BY COPYHOLDER TO LORD.

(See Section 11 of the Act.)

*Manor of*  
*in the County of*

BE IT REMEMBERED that on the            day of            , 189 ,  
X. Y., of &c., a copyhold tenant of the said manor, came  
before me, A. B., lord of the said manor, and did out of  
court, in consideration of the sum of £            to the said  
X. Y. paid by me the said A. B. on the passing of this  
Surrender, the receipt of which said sum the said X. Y.  
doth hereby acknowledge; and in pursuance of an agree-  
ment entered into under Section 11 of The Copyhold Act,  
1894, Surrender into the proper hands of me the said A. B.,  
by the rod according to the custom of the said manor,  
All that &c., To hold the same unto me the said A. B. and  
my heirs, To the uses and upon and for the trusts, intents,  
and purposes to, upon, and for which the said manor of  
   is now subject and held, and to the intent that the  
same may become freehold in the hands of me the said lord.

Taken the day and year first above written by me.

A. B., Lord of the said Manor.

X. Y.

**No. 22a.****ANOTHER FORM.**

THIS INDENTURE, made the       day of       , 189 ,  
Between A., of &c., a copyhold tenant of the manor  
of       , in the county of       , of the one part, and  
B., of &c., lord of the said manor, of the other part.  
WHEREAS at a Customary Court held in and for the said  
manor on the       day of       , 18       , the said A.  
and C. D., of &c., were admitted tenants to the customary  
messuage or tenement and premises hereinafter described, to  
hold the same to the said A. for and during the term of his  
natural life, and from and immediately after his decease, sur-  
render, or forfeiture to the said C. D., his heirs and assigns,  
for ever, and his heirs, at the will of the lord, according  
to the custom of the said manor, under the yearly rents,  
suits, and services therefor due and of right accustomed :  
And Whereas the said B., as such lord of the manor aforesaid,  
hath, under the provisions of Section 11 of The Copyhold  
Act, 1894, with the permission of the Board of Agriculture,  
agreed with the said A. for the purchase of his estate and  
interest in the said copyhold messuage or tenement and  
premises hereinafter described for the sum of £       :  
And Whereas the said Board hath, by order dated the  
day of       , 189 , directed that the said estate and  
interest of the said A. should be conveyed to the said B. in  
manner hereinafter expressed : Now this Indenture  
Witnesseth that, in pursuance of the said agreement  
and in consideration of the sum of £       to the said  
A. paid by the said B. upon or immediately before the

execution of these presents, the receipt of which said sum the said A. doth hereby acknowledge and therefrom doth acquit the said B., he the said A., as beneficial owner, doth hereby remise, release, and convey unto the said B., his heirs and assigns, All that &c., and all the estate, right, title, interest, claim, and demand whatsoever of him the said A., To hold the same unto the said B. and his heirs, To the uses, upon and for the trusts, intents, purposes, and estate of the said A., to, upon, and for which the said manor is now subject and held.

In Witness &c.

**No. 23.****APPLICATION TO BOARD OF AGRICULTURE TO SUSPEND  
PROCEEDINGS.**

(See Section 12 of the Act.)

*Manor of*

*in the County of*

*X. Y.'s Enfranchisement.*

To the Board of Agriculture.

I, A. B., of \_\_\_\_\_, Esquire, Lord of the above-mentioned Manor, in pursuance of the provisions contained in Section 12 of The Copyhold Act, 1894, hereby make application to your Honourable Board to suspend the proceedings under the said Act in the proposed enfranchisement above referred to, on the ground that special hardship or injustice would unavoidably result to me from a compulsory enfranchisement.

I set forth at the foot hereof a statement of the facts on which this application is based, and I am prepared to verify the same in such manner as you may require.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 189 .

[STATEMENT OF FACTS.]



**No. 24.****APPLICATION BY LORD FOR PERMISSION TO MAKE A VOLUNTARY  
ENFRANCHISEMENT.**

(See Section 14 of the Act.)

*Manor of*

*in the County of*

To the Board of Agriculture.

I, A. B., of &c., Esquire, Lord of the above-mentioned Manor, having, in pursuance of the provisions contained in Section 14 of The Copyhold Act, 1894, by an agreement in writing dated the       day of       , 189   , contracted with X. Y., a copyhold tenant of the said Manor, for the enfranchisement, subject to the consent of your Honourable Board being obtained thereto, of the copyhold hereditaments in the said agreement described, in consideration (a) of the sum of £       , to be paid as in the said agreement mentioned, now make application to your Honourable Board for permission to carry the proposed enfranchisement into effect.

A copy of the said agreement is annexed hereto (b).

Dated the       day of       189   .

A. B.

(NOTE.—This form can easily be adapted to the case of an application by a tenant for permission to accept an enfranchisement. See Section 14, Sub-section 1.)

(a) Where the consideration is a rentcharge, or a conveyance of land, or of mines and minerals, see Form 25 and the notes thereto.

(b) Where the estate of the Lord is less than an estate in fee simple in possession, and land not parcel of the manor, or a right to mines or minerals not in or under the land enfranchised is conveyed as consideration, and there is no plan on the agreement showing the position of the respective premises, it would be convenient to annex such a plan to the application, together with the agreement. See Section 15, Sub-section 3.

## No. 25.

## AGREEMENT FOR VOLUNTARY ENFRANCHISEMENT.

(See Section 14 of the Act.)

*Manor of*  
*in the County of*

An Agreement made this       day of       , 189 ,  
pursuant to the provisions of The Copyhold Act, 1894,  
between A. B., of &c., Esquire, Lord of the said Manor, of  
the one part, and X. Y., of &c., Esquire, one of the Copyhold  
Tenants of the said Manor, of the other part.

1. Subject to the consent of the Board of Agriculture,  
to be obtained as hereinafter mentioned, the said A. B. will,  
in consideration (a) of the sum of £       to be paid to the  
said A. B. by the said X. Y. on or before the       day  
of       next [or "to be paid pursuant to the  
provisions of the said Act to       and       , trustees  
of a settlement dated the       day of       18 ,

(a) *Or where the consideration is a rentcharge*—"Of the grant in fee of a clear  
annual rentcharge of £       to be charged upon and issuing out of the heredita-  
ments hereby agreed to be enfranchised as from the       day of       189  
[if above 20s., to be valued in like manner and to be subject to the same variation  
as a tithe commutation rentcharge].

*Or where the consideration is a conveyance of land*—"Of the conveyance to the  
said A. B. of the hereditaments described in the Second Schedule hereunder written"  
[and, if so, add "being also parcel of the said Manor and being subject to the same  
or corresponding uses and trusts with the hereditaments hereby agreed to be  
enfranchised as aforesaid"]]. See Section 15, Sub-sections 2 and 3.

*Or where the consideration is a conveyance of mines and minerals*—"Of the con-  
veyance to the said A. B. of the mines and minerals lying and being within or  
under the hereditaments described in the Second Schedule hereunder written  
[and, if so, add "being also a parcel of the said Manor and subject to the same or  
corresponding uses and trusts with the hereditaments hereby agreed to be  
enfranchised"]]; together with all convenient powers of getting, working,  
and mining the same.

being the settlement under which the said A. B. derives his estate in the said Manor by the said X. Y.," &c.; or "to be paid into Court pursuant to the provisions of the said Act by the said X. Y.," &c., *as the case may be*], enfranchise the messuage or tenement, lands and hereditaments, described in the schedule hereunder written, and convey the freehold and inheritance thereof in fee simple [together with mines and minerals under the same *if so intended*], freed and enfranchised from all customary and other fines, heriots, payments, and manorial rights and services whatsoever.

2. The said A. B. shall forthwith, at his own cost, apply for and endeavour to obtain the consent of the said Board to the present Agreement, and in case such consent shall not be obtained before the       day of       189 , the present Agreement shall be void, and the expense of preparing and executing these presents, and all other costs and expenses incurred by the said A. B. in respect of the premises, shall be paid by the said X. Y.

3. The said A. B. shall, within seven days after the consent of the said Board to the said enfranchisement shall be obtained, deliver at his own expense to the said X. Y., or to his solicitor, an abstract of the title of the said A. B. as Lord of the said Manor, commencing with an indenture of conveyance on sale dated the       day of       18 (b), and no further title to the said Manor shall be required.

4. The said X. Y. shall send in writing to the office of Mr.       , the solicitor of the said A. B., at       within seven days after the delivery of the

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(b) Or "with the conveyance, dated the       day of       18 , of the said Manor to the said A. B."; or "with an indenture of settlement dated the       day of       18 , being the instrument under which the said A. B. derives his estate and interest in the said Manor"; or *otherwise as may be agreed upon*.

abstract, all his objections and requisitions (if any) in respect of the title, and of all matters appearing on these presents or on the abstract, and in this respect time shall be of the essence of the contract; and in default of such objections and requisitions (if none), and subject only to such (if any), shall be deemed to have accepted the title. And if he shall insist on any objections or requisitions, or shall require any information as to these presents, or as to the title, evidence of title, deed of enfranchisement, or otherwise, which the said A. B. shall be unable, or, on the ground of expense or otherwise, shall be unwilling to comply with, remove, or furnish, the said A. B. may, by notice in writing to be given at any time to the said X. Y., or his solicitor, and notwithstanding any negotiation or litigation in respect of such objection or requisition, annul the present agreement, without paying to the said X. Y. any costs or compensation whatever.

On payment of the said consideration money, or sum of £ , in accordance with the provisions of this agreement, the said A. B. will execute to the said X. Y. a proper and effectual deed of enfranchisement, in accordance with the provisions of the said Act. Such deed of enfranchisement shall be prepared and perfected by, and at the expense of, the said X. Y., and shall be left by him not less than        days before the said        day of        189 , at the office aforesaid, for perusal on behalf of the said A. B., and for delivery to the said Board for confirmation, pursuant to the provisions of the said Act.

If from any cause whatever, other than the wilful neglect or default of the said A. B., or the withholding by the said Board of their consent to the deed of enfranchisement until they have made further inquiries under the provisions of the said Act, the said consideration money or sum of £        shall not be paid on or before the

said            day of            189   , the said X. Y. shall pay interest at the rate of £4 per cent. per annum on the said consideration money from the said            day of            189   , until the said consideration money shall be paid. And in the event of the said Board so as aforesaid withholding their consent to the said deed of enfranchisement, the said X. Y. shall pay interest at the rate aforesaid on the said consideration money from the time of the confirmation of such deed by the said Board until the said money shall be paid.

The muniments of title to the said Manor will be retained by the said A. B., who shall, if required by the said X. Y., give to him a proper statutory acknowledgment for production and furnishing copies, and undertaking for safe custody thereof, and of the Court Rolls of the said Manor, to be prepared by and at the expense of the said X. Y. (c).

If the said X. Y. shall neglect or fail to comply with the foregoing stipulations on his part, the said A. B. shall be at liberty to rescind the present agreement, and all expenses attending this agreement and the proposed enfranchisement shall be paid by the said A. B. to the said X. Y., and shall be recoverable as liquidated damages.

As Witness &c.

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(c) See *in re Agg-Gardner*, 25 C. D. 800, and Section 62 of the Act.

**No. 26.\*****NOTICE TO PERSON ENTITLED TO THE NEXT ESTATE OF INHERITANCE IN REMAINDER OR REVERSION IN THE MANOR (a).**

(See Section 14 of the Act.)

*Manor of*  
*in the County of*

*X. Y.'s Enfranchisement.*

I, \_\_\_\_\_, of \_\_\_\_\_, in the County of \_\_\_\_\_, Lord of the above Manor, do hereby, in pursuance of the provisions of The Copyhold Act, 1894, give you notice that it is intended to enfranchise all that [\_\_\_\_\_] , to which the said \_\_\_\_\_ was admitted tenant on or about the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, and that the compensation for such enfranchisement, being the sum of \_\_\_\_\_, is to be paid to \_\_\_\_\_, pursuant to the provisions of the said Act.

And I request that you will state in writing at the foot hereof your assent to [or dissent from] such enfranchisement, and return the same for delivery to the Secretary, Board of Agriculture, 3 St. James's Square, London, S.W., under the said Act.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 189\_\_\_\_.

The Person entitled to the Next Estate of  
Inheritance in Remainder or in the above Manor.

\_\_\_\_\_  
I, the said \_\_\_\_\_, do hereby assent to [or dissent from] the enfranchisement above proposed.

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(a) If such person be a minor, notice must be given to his guardian.

## No. 27.

ENFRANCHISEMENT IN CONSIDERATION OF A CONVEYANCE  
OF LAND.

(See Section 15 of the Act.)

[For Form of an Enfranchisement Deed in Consideration of a Conveyance of a Right of Mines and Minerals see Form 31, *infra*.]

This Indenture, made the       day of       189 ,  
between A. B., of &c., Esquire, Lord of the Manor of       ,  
in the County of       , of the first part, the Board  
of Agriculture of the second part, and X. Y., of &c., Esquire,  
a tenant of the said Manor, as hereinafter mentioned, of the  
third part. Whereas, at a Court Baron held in and for the  
said Manor on the       day of       18 , the said  
X. Y. was duly admitted tenant of the hereditaments  
respectively described in the First and Second Schedules  
hereunder written, to hold the same unto the said X. Y., his  
heirs and assigns, at the will of the lord, according to the  
custom of the said Manor, by the rents, suits, and services  
therefor due and of right accustomed; and the said X. Y.  
hath since continued, and now is, such tenant as aforesaid :  
And whereas, pursuant to the provisions of The Copyhold  
Act, 1894, and with the consent of the said Board of  
Agriculture, testified by the seal of the said Board and the  
signature of their Secretary hereupon respectively impressed  
and written (a), it hath been agreed between the said A. B.  
and the said X. Y. that the said A. B. should, in manner  
hereinafter appearing, enfranchise the hereditaments  
described in the First Schedule hereunder written, in

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(a) See the notes to Section 90 of the Act, *supra*, page 132 *et seq.*

consideration of the said X. Y. releasing, surrendering, or otherwise assuring to the said A. B., his heirs and assigns, in manner hereinafter appearing, the hereditaments described in the Second Schedule hereunder written (b) : Now this Indenture witnesseth that, in pursuance of the said agreement, and in consideration of the release and conveyance hereinafter contained, he the said A. B., with the consent of the said Board (testified as aforesaid), and in exercise of every power given to him by the said Act, and of every other power in anywise enabling him in this behalf, doth hereby, as beneficial owner, grant, enfranchise, and convey unto the said X. Y., his heirs and assigns, all and singular the pieces or parcels of lands and hereditaments respectively described in the First Schedule hereunder written, with their and every of their rights, members, and appurtenances [except and reserved out of the grant, enfranchisement, and conveyance hereinbefore made unto the said A. B., his heirs and assigns and successors in title, all such estates, rights, easements, powers, franchises, royalties, and privileges as are mentioned, referred to, or comprised in the 23rd Section of the said Act as the said A. B., his heirs or assigns or successors in title, now have, or but for these presents would have, in, over, under, and upon the said hereditaments respectively described in the said First Schedule hereunder written, or any part or parts thereof (c)] : To have and to hold the said premises hereinbefore granted, enfranchised, and conveyed, or intended so to be, unto and to the use of the said X. Y.,

(b) *Where the tenant has but a limited estate, or is a trustee, add—"and being subject to the same uses and trusts as the hereditaments to be enfranchised as aforesaid." See Section 15, Sub-section 2.*

(c) *Where the lord is entitled to the mines and minerals under the land to be enfranchised, and it is arranged that they should be vested in the tenant on enfranchisement, instead of the above exception, insert—"Together with all mines, minerals, limestone, lime, clay, stone, gravel pits, or quarries lying and being in or under the*



his heirs and assigns, as freehold, henceforth for ever discharged by these presents from all fines, heriots, reliefs, quit rents, and other incidents whatsoever of copyhold tenure. And this Indenture also witnesseth that, in further pursuance of the said agreement, and in consideration of the release and enfranchisement hereinbefore contained, he, the said X. Y., with the consent of the said Board (testified as aforesaid), and in exercise of every power given to him by the said Act, and every other power in anywise enabling him in this behalf, doth hereby as beneficial owner bargain, sell, release, surrender, and convey unto the said A. B., his heirs and assigns, all and singular the pieces or parcels of land and hereditaments respectively described in the said Second Schedule hereunder written, with their and every of their rights, members, and appurtenances: To have and to hold the said premises lastly hereinbefore released and conveyed unto and to the use of the said A. B. and his heirs, to the uses, on the trusts, and subject to the powers and provisions now subsisting in respect of the said Manor (d).

In Witness &c.

#### SCHEDULE I.

#### SCHEDULE II.

same hereditaments, but except and reserved out of the grant, enfranchisement, and conveyance hereinbefore made, all other rights, franchises, royalties, and privileges other than rights in respect of mines or minerals, mentioned, referred to, or comprised in Section 23 of the said Act, as the said A. B., his heirs or assigns or successors in title, now have, or would but for these presents have, in, over, or upon the said hereditaments described in the said First Schedule hereunder written, or any part or parts thereof."

(d) See Section 18 of the Act.

ENFRANCHISEMENT DEED WHERE THE LORD IS SEISED IN FEE  
SIMPLE.

This Indenture, made the                      day of                      189                      ,  
between A. B., of &c., Esquire, Lord of the Manor of                      ,  
                    , in the County of                      , and seised in  
fee simple in possession of the same Manor, of the one part,  
and X. Y., of &c., a Copyholder of the said Manor, of the  
other part, Witnesseth that, in consideration of the sum of  
£                      to the said A. B. paid by the said X. Y. upon or  
immediately before the execution of these presents (the  
receipt whereof the said A. B. doth hereby acknowledge),  
he, the said A. B., as beneficial owner, doth by these  
presents grant, enfranchise, and release unto the said X. Y.,  
his heirs and assigns, All that &c. [parcels from the court  
rolls], to which said hereditaments the said X. Y. was  
admitted tenant on or about the                      day of                      ,  
18                      , and which said hereditaments are now better known  
and described as [*modern description where necessary*]: To  
have and to hold the said premises hereby enfranchised or  
intended so to be, unto and to the use of the said X. Y., his  
heirs and assigns for ever, in free and common socage, freely,  
clearly, and absolutely enfranchised, acquitted, and dis-  
charged from all copyhold or customary tenure by which  
the same have heretofore been held of the said Manor of  
                    , and from all yearly and other payments, quit  
rents, heriots, fines, reliefs, suit of court, and all other copy-  
hold or customary payments, duties, services, or customs to  
which, according to the custom of the said Manor, the said  
hereditaments, or any part thereof, have or has been liable

as copyhold holden of the said Manor. And this Indenture further witnesseth that, for the consideration aforesaid, he, the said A. B., as beneficial owner, doth hereby grant unto the said X. Y., his heirs and assigns, All such commonage and right to common in, upon, and over all or any of the wastes and commonable lands of the said Manor of as the said X. Y., or any person or persons through whom he claims, held, enjoyed, or was entitled to in respect of and as appurtenant to all or any of the said premises hereby conveyed, or intended so to be, and the freehold and inheritance of all such commonable rights as aforesaid in the same or the like manner as the said X. Y. or his customary heirs could have used or exercised the same if the said premises had not been enfranchised: To have and to hold the said premises lastly hereinbefore granted, or intended so to be, unto and to the use of the said X. Y., his heirs and assigns, for ever. And the said A. B. doth hereby acknowledge the right of the said X. Y. to the production and delivery of copies of the muniments of title mentioned and specified in the Schedule hereunder written (which are now in the possession of the said A. B.), and doth hereby undertake with the said X. Y. for the safe custody of the same muniments of title and documents.

In Witness &c.

#### SCHEDULE.

(Comprising the Court Rolls and Muniments of Title to the Manor.)

**No. 29.**

(For Form of Notice of the Proposed Enfranchisement see Form 26, *supra*, page 238.)

**No. 29a.\***

DEED OF ENFRANCHISEMENT IN CONSIDERATION OF A  
GROSS SUM.

(See Sections 14 and 16 of the Act.)

THIS INDENTURE, made the       day of       , 189   ,  
between A. B., Lord of the Manor of       , of the first  
part, the Board of Agriculture of the second part, and C. D.,  
of       , in the County of       , a Tenant of  
the said Manor, of the third part.

Whereas on or about the       day of       ,  
the said [*Tenant*] was admitted tenant to the copyhold  
hereditaments parcel of the said Manor described in  
the Schedule hereto, upon an absolute surrender passed  
to his use by       [or by virtue of a bargain  
and sale from the executors of       , or by  
virtue of the last will and testament of       , or as  
customary heir of       , as the case may be]: And  
whereas the said [*Lord*] has, under the authority of The  
Copyhold Act, 1894, agreed with the said [*Tenant*] for the  
enfranchisement of the said hereditaments at the sum  
of       : Now this Indenture witnesseth that, in  
consideration of the said sum of       sterling by the  
said [*Tenant*] to the said       now paid, the receipt  
of which the said       hereby acknowledges, he the

said , in exercise of any power given him by The Copyhold Act, 1894, or any other power whatsoever, and with the consent of the Board of Agriculture in pursuance of the powers vested in them by the said Act, hereby enfranchises and releases unto the said [*Tenant*], his heirs and assigns, all and singular the hereditaments to which the said [*Tenant*] was so admitted tenant as hereinbefore recited, and which are described in the Schedule hereto, together with their appurtenances, including [*or excepting*] the rights reserved by Section 23 of the said Act, To hold the said hereditaments hereby enfranchised unto and to the use of the said [*Tenant*], his heirs and assigns, as freehold, henceforth and for ever discharged by these presents from all fines, heriots, quit rents, and all other incidents whatsoever of copyhold or customary tenure, but so as not to affect such right of escheat for want of heirs as is reserved by Section 21 of the said Act.

In Witness whereof the said parties of the first and third parts have set their hands and seals, and the Board of Agriculture have hereunto set their official seal.

[THE SCHEDULE.]

### No. 29b.\*

#### ANOTHER FORM.

THIS INDENTURE, made the                      day of                      189 ,  
between A.B., Lord of the Manor of                      , of the first  
part, the Board of Agriculture of the second part, and C.D.,  
of                      , in the County of                      , of the third part.

Whereas the hereditaments described in the Schedule hereto are freehold or customary freehold of the said Manor, liable to [*insert "heriots," "quit rents," or "free rents," as the case may be*] and other manorial incidents, and the said is the tenant of the said hereditaments: And Whereas the said [*Lord*] has, under the authority of The Copyhold Act, 1894, agreed with the said [*Tenant*] that the said [*insert "heriots," "quit rents," or "free rents," as the case may be*] and other manorial incidents should be extinguished and the said hereditaments released and enfranchised therefrom at the sum of : Now this Indenture witnesseth that, in consideration of the said sum of sterling by the said [*Tenant*] to the said now paid, the receipt of which the said hereby acknowledges, he the said , in exercise of any power given him by The Copyhold Act, 1894, or any other power whatsoever, and with the consent of the Board of Agriculture, in pursuance of the powers vested in them by the said Act, hereby extinguishes all the said [*insert "heriots," "quit rents," or "free rents"*] and all other manorial incidents, and releases and enfranchises unto the said [*Tenant*], his heirs and assigns, all the said hereditaments described in the Schedule hereto, together with their appurtenances, To hold the said hereditaments unto and to the use of the said [*Tenant*], his heirs and assigns, as freehold, henceforth and for ever discharged by these presents from the said [*insert "heriots," "quit rents," or "free rents"*] and all other manorial incidents whatsoever, but so as not to affect such right of escheat for want of heirs as is reserved by Section 21 of the said Act.

In Witness whereof the said parties of the first and third parts have set their hands and seals, and the said Board of Agriculture have hereunto set their official seal.

[THE SCHEDULE.]

**No. 30.****DEED OF ENFRANCHISEMENT IN CONSIDERATION OF A RENTCHARGE.**

(See Sections 15 and 17 of the Act.)

This Indenture, made the            day of            189   ,  
between A. B., of &c., Esquire, Lord of the Manor of            ,  
in the County of            , of the first part, the  
Board of Agriculture of the second part, and X. Y., of &c.,  
Esquire, a copyhold tenant of the said Manor, as hereinafter  
mentioned, of the third part. Whereas, at a Court Baron  
held in and for the said Manor, on the            day  
of            , 18   , the said X. Y. was admitted  
tenant of the hereditaments hereinafter described and  
intended to be hereby enfranchised, with the appurtenances,  
to hold the same unto the said X. Y., his heirs and assigns,  
at the will of the lord, according to the custom of the said  
Manor, by the rents, suits, and services therefor due and of  
right accustomed; and the said X. Y. hath since continued,  
and now is, such tenant as aforesaid: And whereas, pursuant  
to the provisions of The Copyhold Act, 1894, and with the  
consent of the said Board of Agriculture (testified by the  
seal of the said Board and the signature of their Secretary,  
hereupon respectively impressed and written) (a), the said  
A. B. and X. Y. have agreed for the enfranchisement of the  
said hereditaments hereinafter described in consideration of  
the grant of a clear annual rentcharge in fee, as hereinafter  
mentioned, to be henceforth charged upon and issuing out of  
the said hereditaments [*where the joint charge exceeds 20s.,  
and is to vary with the price of corn, and to be valued in like*

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(a) See the notes to Section 90 of the Act, *supra*, page 132 *et seq.*

manner, and to be subject to the same variation as a tithe commutation rentcharge under the provisions of the said Act]: Now this Indenture witnesseth that, in pursuance of the said agreement, and in consideration of the annual rentcharge in fee hereinafter limited and granted, and made payable as hereinafter mentioned, he, the said A. B., with the consent of the said Board (testified as aforesaid), and in exercise of every power given to him by the said Act, and of every other power in anywise enabling him in this behalf, doth hereby, as beneficial owner, grant and convey unto the said X. Y. and his heirs all that &c. [*parcels*], with their and every of their rights, members, and appurtenances [except and reserved out of the grant, enfranchisement, and conveyance hereinafter made unto the said A. B., his heirs and assigns and successors in title, all such estates, rights, easements, powers, franchises, royalties, and privileges as are mentioned, referred to, or comprised in the 23rd Section of the said Act, as the said A. B., his heirs, or assigns, or successors in title now hath or have, or but for these presents would have, in, over, under, or upon the said hereditaments hereinbefore described, or any part or parts thereof] (b), to have and to hold the said hereditaments and premises hereby granted, enfranchised, and conveyed or intended so to be, subject, nevertheless, to the said annual rent, as hereinafter expressed, unto the said X. Y. and his heirs (c), to the use and intent that a clear annual

(b) See foot-note (c) to Form 27, *supra*, page 240.

(c) *Where the rentcharge exceeds the sum of 20s., and it is to vary with the price of corn (see Section 17 of the Act), the use will run as follows:—To the use and intent that a clear annual sum of money or rent in fee equal to the value of bushels and thousandth parts of a bushel of wheat; bushels and thousandth parts of a bushel of barley; and bushels and thousandth parts of a bushel of oats, variable from time to time, according to the price of corn, and calculated upon the same averages, and variable in like manner as a tithe commutation rentcharge, as in the said Act provided, with respect to variable rentcharges exceeding 20s., shall be &c.*



rentcharge or sum of £                      shall be from henceforth and for ever hereafter charged upon and issuing out of the said premises hereinafter granted and conveyed, or intended so to be, and be for ever hereafter received and taken by the said A. B., his heirs and assigns, and other the person and persons who under the uses, trusts, intents, and purposes to, upon, and for which the said Manor of                      is now subject and held, is and shall be entitled to the rents and profits of the same Manor, and to be received and taken, without any deduction, by equal half-yearly portions, on the 1st day of January and the 1st day of July in every year, the first portion thereof to be received and taken on the                      day of                      now next ensuing (d), and subject and charged as aforesaid, to the use of the said X. Y., his heirs and assigns, for ever, as freehold, henceforth for ever discharged by these presents from all fines, heriots, reliefs, quit rents, and other incidents whatsoever of copyhold tenure. And this Indenture also witnesseth that, in further pursuance of the said agreement, and in consideration of the enfranchisement hereinbefore made, he, the said X. Y., with the consent of the said Board (testified as aforesaid), and in exercise of every power given to him by the said Act, and of every other power in anywise enabling him in this behalf, doth hereby, as beneficial owner, grant and convey unto the said A. B. and his heirs, to the uses, on the trusts, and subject to the powers and provisions now subsisting in respect of the said Manor of                      (e); and doth hereby charge the said hereditaments hereinbefore described and hereby granted, enfranchised, and conveyed, with the payment of the said clear annual rentcharge in fee hereinbefore mentioned and in manner and form hereinbefore expressed,

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(d) Powers of Distress and Re-entry may be omitted. See the notes to Section 27 of the Act, *supra*, page 56 *et seq.*

(e) See Section 18 of the Act, *supra*, page 39.

and the said X. Y. doth hereby covenant with the said A. B. that he, the said X. Y., his heirs and assigns, will henceforth pay to the said A. B., his heirs or assigns, or other the person or persons for the time being as aforesaid, the said annual rentcharge or sum of £                      at the times and in the manner hereinbefore appointed for payment thereof free from all deductions.

In Witness &c.

### No. 31.

#### ENFRANCHISEMENT IN CONSIDERATION OF A CONVEYANCE OF A RIGHT TO MINES AND MINERALS.

(See Section 15 of the Act, and see also next Form.)

[NOTE.—For Form of Enfranchisement in Consideration of a Conveyance of Land see Form 27, *supra*, page 239.]

This Indenture, made the                      day of                      , 189                      , between A. B., of &c., Esquire, Lord of the Manor of                      , in the County of                      , of the first part, the Board of Agriculture of the second part, and X. Y., &c., Esquire, a Copyhold Tenant of the said Manor, as hereinafter mentioned, of the third part. Whereas [*recite admission of tenant to the pieces or parcels of land and hereditaments hereinafter described: see Form 30, supra*]: And whereas the mines and minerals in or under the said land and hereditaments hereinafter described form part of the demesnes of the said Manor, but the said A. B., his heirs, assigns, and successors in title, are not, by custom of the said Manor or otherwise, entitled to search for, win, and work the

same mines and minerals, without the consent of the said X. Y., his customary heirs and assigns: And whereas, pursuant to the provisions of The Copyhold Act, 1894, and with the consent of the said Board of Agriculture (testified by the seal of the said Board and the signature of their Secretary hereupon respectively impressed and written), it hath been agreed between the said A. B. and the said X. Y. that the said A. B. shall, in manner hereinafter appearing, enfranchise the said lands and hereditaments hereinafter described in consideration of the said X. Y. granting and conveying unto the said A. B. the right to the mines and minerals in and under the said lands hereinafter described in manner hereinafter appearing: Now this Indenture witnesseth that, in pursuance of the said agreement, and for the consideration aforesaid, he the said A. B., with the consent of the said Board (testified as aforesaid), and in exercise of every power given to him by the said Act, and of every other power in anywise enabling him in this behalf, Doth hereby as beneficial owner grant, enfranchise, and convey unto the said X. Y., his heirs and assigns, All &c. [*parcels*], with their and every of their rights, members, and appurtenances (except and reserved out of the grant, enfranchisement, and conveyance hereinbefore made unto the said A. B., his heirs and assigns, and successors in title, all mines, minerals, limestone, lime, clay, stone, gravel pits, or quarries in or under the same lands and hereditaments, together with all other estates, rights, easements, powers, franchises, royalties, and privileges mentioned, referred to, or comprised in Section 23 of the said Act, as the said A. B., his heirs or assigns or successors in title, now hath or have, or would but for these presents have, in, over, or upon the said pieces or parcels of land and hereditaments, or any part or parts thereof): To have and to hold the said premises hereinbefore granted, enfranchised, and conveyed, or intended

so to be, unto and to the use of the said X. Y., his heirs and assigns, as freehold henceforth for ever discharged by these presents from all fines, heriots, reliefs, quit rents, and other incidents whatever of copyhold tenure. And this Indenture also witnesseth that, in further pursuance of the said agreement, and in consideration of the enfranchisement hereinbefore contained, he the said X. Y., with the consent of the said Board (testified as aforesaid), and in exercise of every power given to him by the said Act, and every other power in anywise enabling him in this behalf, doth hereby as beneficial owner grant, convey, and confirm unto the said A. B. and his heirs all the mines and minerals, limestone, lime, clay, stone, gravel pits, or quarries in or under the said lands and hereditaments hereinbefore granted, enfranchised, and conveyed, or intended so to be, together with full liberty and power for the said A. B., his heirs and assigns and successors in title, and his and their respective agents, workmen, and servants, with or without horses, carts, and carriages, to have and to enjoy from time to time and at all times hereafter free ingress, egress, and regress to, from, and over the said hereditaments hereinbefore granted, enfranchised, and conveyed, or intended so to be, and every part thereof, for the purpose of using, occupying, and enjoying the said mines and minerals hereinbefore granted, or intended so to be, and for the purpose of winning, digging, boring or searching, working, raising and carrying away, converting and selling, the said mines and minerals at his and their will and pleasure, and for the purposes aforesaid to make use of and deepen any pits or shafts which now are or hereafter at any time may be in or on the said hereditaments, or any part or parts thereof, and to make and sink from time to time any pits or shafts, and to drive and make such headings, levels, drains and watercourses, and to erect and set up such engines, machinery and buildings, and

to use such means as may be necessary or convenient for winning, raising, getting and working the said mines and minerals in the best manner, and as is usually practised in such or the like cases ; also to place, stack up and lay such mines and minerals, and the ore, earth, and rubbish to be raised out of the said pits, shafts, and mines upon the said hereditaments, or any part or parts thereof, and from time to time to take down, remove the said engines and machinery and buildings, and to dispose thereof at discretion ; and also to make such and so many waggon roads, railways, tram-roads, and other roads or ways in, through, and over the said lands and hereditaments, and to do all other acts and things for the purposes aforesaid as may be necessary or convenient. Provided nevertheless that the said A. B., his heirs and assigns and successors in title, shall make to the said X. Y., his heirs and assigns, and other the owner or owners for the time being of the said lands, reasonable and adequate compensation for all damage done or occasioned to the said lands, or any buildings thereon, by reason or in consequence of the exercise of the liberties, privileges, powers, and authorities hereby granted and given : To have and to hold the said premises hereinbefore granted and confirmed, or intended so to be, unto the said A. B. and his heirs, to the uses, on the trusts, and subject to the powers and provisions now subsisting in respect of the said Manor.

In Witness &c.

**No. 31a.****ENFRANCHISEMENT IN CONSIDERATION OF A CONVEYANCE OF A  
RIGHT TO MINES AND MINERALS.**

(Another Form.)

This Indenture, made the       day of       , 189   ,  
between A. B., of &c., Esquire, Lord of the Manor of       ,  
in the County of       , of the first part, the Board of  
Agriculture of the second part, and T. W., of &c., Esquire, and  
X. Y., of &c., Esquire, Tenants of the said Manor, as hereinafter  
mentioned, of the third part. Whereas at a Court held for  
the said Manor on the       day of       18   , the said  
T. W. and X. Y. were admitted tenants of the hereditaments  
respectively described in the First and Second Schedules here-  
under written, to hold the same hereditaments, with their  
appurtenances, unto the said T. W. and X. Y. and their  
heirs, upon and for the trusts, interests, and purposes  
expressed and declared concerning the same in and by the  
will of L. O., deceased, dated the       day of       18   ,  
and proved on the       day of       , 18   , to be holden  
at the will of the lord, according to the custom of the said  
Manor, by the rents, suits, and services therefor due and of  
right accustomed; and the said T. W. and X. Y. have since  
continued, and now are, such tenants as aforesaid: And  
whereas, pursuant to the provisions of The Copyhold Act,  
1894, and with the consent of the said Board of Agriculture,  
testified by the seal of the said Board and the signature of  
their Secretary hereupon respectively impressed and  
written (a), it hath been agreed between the said A. B. and  
the said T. W. and X. Y. that the said A. B. shall, in manner  
hereinafter appearing, enfranchise the said lands and here-  
ditaments described in the First Schedule hereunder written,

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(a) See the notes to Section 90 of the Act, *supra*, page 132 *et seq.*

in consideration of the said T. W. and X. Y. granting and conveying, in manner hereinafter appearing, unto the said A. B. the right to the mines and minerals in and under the lands and hereditaments described in the Second Schedule hereunder written: Now this Indenture witnesseth [conveyance by A. B. of the lands and hereditaments comprised in the First Schedule, together with the mines and minerals under the same: see Form 27, *supra*]: And this Indenture also witnesseth that, in further pursuance of the said agreement, and in consideration of the enfranchisement hereinbefore contained, they the said T. W. and X. Y., with the consent of the said Board (testified as aforesaid), and in exercise of every power given to them by the said Act, and of every other power in anywise enabling them in this behalf as trustees, do and each of them doth hereby grant, convey, and confirm unto the said A. B. and his heirs all the mines and minerals, limestone, lime, clay, stone, gravel pits, or quarries in or under the said lands and hereditaments described in the Second Schedule hereunder written, together with &c. [*powers of working*: see preceding Form]: To have and to hold &c. [habendum as in preceding Form].

In Witness &c.

**No. 32.\*****CONSENT OF LORD TO INCLUDE RESERVED RIGHTS (a).**

(See Section 23 of the Act.)

*Manor of**in the County of****X. Y.'s Enfranchisement.***

I \_\_\_\_\_, of \_\_\_\_\_,  
the Lord of the above Manor, do hereby consent that the  
enfranchisement under The Copyhold Act, 1894, of the lands  
comprised in the Notice of Desire for Enfranchisement given  
by \_\_\_\_\_, and dated on or about the  
\_\_\_\_\_ day of \_\_\_\_\_ 189\_\_\_\_, shall extend to and  
include all mines and minerals and also all other rights and  
easements reserved by Section 23 of the said Act.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 189\_\_\_\_.

(Signed)

\_\_\_\_\_

**NOTE.**—The Steward cannot sign this Consent for the Lord without special authority.

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(a) See Section 47 of the Act, and Section 23 (2).



**No. 33.****CONSENT OF TENANT TO INCLUDE RESERVED RIGHTS.**

(See Section 23 of the Act.)

*Manor of*

*in the County of*

*X. Y.'s Enfranchisement.*

I \_\_\_\_\_, of \_\_\_\_\_,  
a Tenant of the above Manor, do hereby consent that the  
enfranchisement under The Copyhold Act, 1894, of the  
land comprised in the Notice of Desire for Enfranchisement  
given by \_\_\_\_\_, and  
dated on or about the \_\_\_\_\_ day of \_\_\_\_\_ 189 ,  
shall extend to and include [*state which of the rights reserved  
in Section 23*] [and also all other rights and easements  
reserved by Section 23 of the said Act (a)].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 189 .

(Signed)

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(a) Add these words if necessary or appropriate.

**No. 34.****REFERENCE OF DISPUTE TO THE BOARD OF AGRICULTURE.**

(See Section 26 of the Act; and see also Section 34, Sub-section 5, to a dispute under which latter Section this form can be adapted.)

*Manor of*

*in the County of*

*X. Y.'s Enfranchisement.*

To the Board of Agriculture.

A dispute having arisen under the circumstances set forth at the foot hereof as to the (a) [proper application, appropriation, or investment of the compensation, or, in the event of the enfranchisement being a voluntary one under Section 14 of the Act, consideration money] payable in respect of the enfranchisement above referred to, and such dispute being referable to your Honourable Board, under (b) Section 26 of The Copyhold Act, 1894, I hereby, pursuant to the provisions of the said Act, apply to you [to inquire into and decide the same] (c).

Dated the                      day of                      189 .

Signed [                      ].

[The circumstances under which the dispute arises to be stated.]

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(a) If the dispute which has arisen is as to the amount of expenses under Section 34, Sub-section 5, say "*amount of the expenses.*"

(b) If the dispute which has arisen is as to the amount of expenses under Section 34, Sub-section 5, say "*Section 34.*"

(c) If the dispute is one under Section 34, Sub-section 5, say "*to ascertain and declare the amount of such expenses, and to order by or to whom the same shall be paid.*"

## No. 35.

DEED OF APPORTIONMENT OF A RENTCHARGE UNDER THE  
COPYHOLD ACT, 1894.

(See Section 28 of the Act.)

Parties [*Owner of Rentcharge*] of the one part.[*Owner of Land*] of the other part.

[*Recitals showing creation of rentcharge and title thereto and ownership of land charged with rentcharge, being the lands described in the First and Second Schedules hereto.*]

AND WHEREAS the said [*owner of rentcharge*] and [*owner of land charged*] have agreed that the said rentcharge shall, in pursuance of the provisions in that behalf contained in The Copyhold Act, 1894, be apportioned as hereinafter set forth :

NOW THIS INDENTURE WITNESSETH that, in pursuance of the said agreement, and of the powers for that purpose contained in The Copyhold Act, 1894, and of any other power in that behalf, It is hereby agreed and declared by and between the said parties hereto that the said yearly rentcharge of £            so payable as aforesaid shall be, and the same is, accordingly apportioned between the piece or parcel of land and buildings delineated and coloured [            ] in the plan drawn in the margin of these presents, and described in the First Schedule hereto, and the piece or parcel of land and buildings delineated and coloured [            ] in the said plan, and described in the Second Schedule hereto, in manner following (that is to say)—The annual sum of £            (part of the entire yearly rentcharge of £            ) is and shall be the apportioned

yearly rentcharge to be paid or payable as from the day of                      now last past, and henceforth in respect of the premises coloured [                      ] in the said plan, and described in the said First Schedule hereto. And the annual sum of £                      (being the residue of the said yearly rentcharge of £                      ) is and as from the said                      day of                      last shall be the apportioned yearly rentcharge to be paid or payable in respect of the residue of the said premises and coloured [                      ] in the said plan, and described in the Second Schedule hereto.

AND THIS INDENTURE FURTHER WITNESSETH that the said [*owner of rentcharge*] hereby covenants with the said [*owner of land*], his heirs and assigns, in manner following, that is to say :—

First.—That so long as the clear yearly sum of £                      part of the said yearly rentcharge of £                      , shall be duly and punctually paid by equal half-yearly payments at the times at which the said rentcharge is payable, or within twenty-one days thereafter, as and for the portion of the said rentcharge payable in respect of the land described in the First Schedule hereto, by the said [*owner of the land*], his heirs or assigns for the time being entitled to the same land, then and so often as the same shall happen the said [*owner of the rentcharge*] will not, nor shall his heirs, executors, administrators, or assigns, at any time hereafter, in case of the non-payment of the said rentcharge of £                      or any part thereof, distrain or enter on, or cause or procure any distress or entry to be made on the said land described in the said First Schedule, or any part thereof, or any building thereon, or commence, carry on, or prosecute any action or other proceeding against the owners, tenants, or occupiers for the time being of the same land and buildings, or any part thereof, or exercise or avail himself

or themselves of any other powers or rights for recovering or compelling payment of the said rentcharge of £ or any part thereof, or in anywise interrupt or disturb the said [owner of the land], his heirs or assigns, or his or their tenants, in the possession or enjoyment or receipt of the rents and profits of the same land and buildings or any part thereof.

And, Secondly [*similar covenant with owner of land in respect of the lands described in the Second Schedule*].

And, Lastly, that he the said [owner of rentcharge], his heirs, executors, and administrators, will at all times keep the said [owner of land], his heirs or assigns, and his or their tenants of the respective lands and buildings described in the said respective Schedules hereto, indemnified against all losses, costs, damages, and expenses which he or they shall or may incur by reason of any distress or entry being levied or made in or upon the said lands and buildings, or any part thereof, or any other proceeding being had or taken to enforce or compel the payment of the said rentcharge of £ , or any part thereof, contrary to the covenants hereinbefore contained or any of them.

In Witness &c.

[THE SCHEDULES ABOVE REFERRED TO.]

NOTE.—If the person entitled to the land is not absolutely entitled thereto, the consent of the Board of Agriculture must be obtained to the apportionment, which will best be evidenced by making them party to the deed, and by their executing it. Should the rentcharge or the land be held in undivided shares, all the persons so entitled respectively must be made parties to and concur in the deed of apportionment. This deed is by way of covenant to sue not by way of release, this method being the best adapted to avoid questions as to the legal effect of a release (see Key and Elphinstone's *Precedents in Conveyancing*, 4th ed. vol. 1, p. 59, note).

NOTICE OF INTENTION TO REDEEM A RENTCHARGE CREATED  
UNDER THE COPYHOLD ACT, 1894.

**In the Matter of The Copyhold Act, 1894.**

In pursuance of the powers conferred by The Copyhold Act, 1894, I hereby give you notice that I desire to redeem the rentcharge described in the Schedule hereto, charged on the land also therein described, of which land I am the [owner], or otherwise entitled to redeem such rentcharge. [And also take notice that I intend forthwith to apply to the Board of Agriculture to fix the sum to be paid by me to you for consideration for the redemption of such rentcharge (a).]

Signed [\_\_\_\_\_].

(a) The words in brackets should be added if the case comes within Section 30, Sub-section 2 (b)—i.e., if the rentcharge to be redeemed is not of fixed amount.

**No. 36a.****APPLICATION TO THE BOARD OF AGRICULTURE TO FIX A SUM  
FOR THE REDEMPTION OF A RENTCHARGE.**

(See Section 30, Sub-section 2 (b), of the Act.)

In the Matter of The Copyhold Act, 1894.

To the Board of Agriculture.

In pursuance of the provisions of The Copyhold Act, 1894, in that behalf I [                      ], being the person entitled to redeem the rentcharge described in the Schedule hereto, charged on the land, also therein described, of which land I am the [*owner*], hereby request your Honourable Board to fix the sum to be paid by me for such redemption.

Dated this            day of            , 189    .

Signed [                      ].

**SCHEDULE.**

Description of Rentcharge.	Description of land charged.

**No. 37.****APPLICATION TO THE BOARD OF AGRICULTURE FOR THEIR  
CONSENT TO THE SALE AND TRANSFER OF A RENTCHARGE.**

(See Section 31 of the Act.)

In the Matter of the Copyhold Act, 1894.

To the Board of Agriculture.

In pursuance of the provisions of Section 31 of The Copyhold Act, 1894, I (a) [ ], the person for the time being entitled to the receipt of the rentcharge in the [*Schedule (b)*] hereto mentioned charged on the land described in the said [*Schedule (b)*], hereby apply for the consent of the Board to the sale and transfer of the said rentcharge. [I am entitled to the said rentcharge for the estate or interest set forth in the said [*Schedule (b)*], and the amount for which the said rentcharge is proposed to be sold is as also stated therein (c).]

Dated this                      day of                      189 .

(Signed)

**SCHEDULE. (b)**

Description of Rentcharge.	Land Charged.	Nature of Applicant's Interest (d).	Amount of proposed Purchase Money.
[Amount, Date of Charge, Date of last payment.]		[ <i>Life tenant or otherwise.</i> ]	

(a) If a corporation, "we."

(b) In lieu of a Schedule a statement may be appended.

(c) These words should be added when the person applying has a limited estate or interest. See Section 31, Sub-section 1.

(d) This column is not necessary in the case of a corporation.



**No. 38.**

NOTICE BY LORD OF DESIRE THAT MONEY ARISING IN RESPECT  
OF AN ENFRANCHISEMENT SHOULD BE PAID INTO COURT  
OR TO TRUSTEES.

(See Section 32 of the Act.)

**In the Matter of The Copyhold Act, 1894.**

*Manor of*

*in the County of*

### X. Y.'s *Enfranchisement*.

I \_\_\_\_\_, of \_\_\_\_\_, having a limited estate or interest in the said manor, and being entitled for a like interest to the compensation in respect of the above-mentioned enfranchisement, do hereby give notice that I desire that the said compensation shall be paid [*into Court to the credit &c., or to A.B. and C.D., the trustees acting under the Settlement dated &c., or to trustees to be appointed by the Board of Agriculture, as the case may be*].

Dated this            day of            189 .

To the Board of Agriculture,

and to [the other party to the enfranchisement].

NOTICE BY PERSON ENTITLED TO A RENTCHARGE THAT HE  
DESIRES THE MONEY ARISING IN RESPECT THEREOF TO BE  
PAID INTO COURT OR TO TRUSTEES.

**In the Matter of The Copyhold Act, 1894.**

Dated this                      day of                      189 .

To the Board of Agriculture,  
and to [the person redeeming the rentcharge].

**No. 39a.\***

## APPOINTMENT OF TRUSTEES.

(See Section 32 of the Act.)

*Manor of**in the County of*

Whereas it is proposed to effect enfranchisements under The Copyhold Act, 1894, of lands held of the above Manor, of which                    is Lord [*state reasons for appointment*] :

And Whereas it is expedient that fit and proper persons should be nominated for the purpose of receiving any moneys to be paid for the enfranchisement of lands held of the above Manor :

And Whereas, having made due inquiry, it appears to the Board of Agriculture that                    are fit and proper persons to be so nominated :

Now the Board of Agriculture, in pursuance of the powers vested in them by The Copyhold Act, 1894, do hereby nominate and appoint the said                    to be Trustees for the purpose of receiving any moneys to be paid for the enfranchisement, under the said Act, of lands held of the above Manor, in trust to be applied by them as directed by the said Act.

In Witness whereof the Board of Agriculture have hereunto set their official seal this           day of           ,  
189 .

**No. 40.****APPOINTMENT BY LORD OF AN AGENT TO ACT FOR HIM IN  
THE EXECUTION OF THE ACT.**

(See Sections 47 and 48 of the Act.)

*Manor of*  
*in the County of*

I, A. B., of &c., Esquire, Lord of the above-mentioned Manor, do hereby appoint C. D., of &c., Gentleman, to be my lawful attorney and agent to act for me in all respects as if I myself were present and acting in the execution of The Copyhold Act, 1894.

Dated this                      day of                      189 .

(Signed)                      A. B.

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**No. 40a.****NOTICE BY LORD TO BOARD OF AGRICULTURE OF APPOINTMENT  
OF AN AGENT.**

(See Section 47 of the Act.)

*Manor of*  
*in the County of*

To the Board of Agriculture.

I, A. B., of &c., Esquire, Lord of the above-mentioned Manor, do, pursuant to the provisions of The Copyhold Act, 1894, by this writing under my hand give notice to your Honourable Board that it is my intention to act by myself [*or* "by C. D., of &c., as my agent"] and not by my steward in the execution of the said Act.

A copy of the power of attorney under which the said C. D. was appointed my agent as aforesaid, duly authenticated in accordance with the provision in that behalf contained in Section 48 of the said Act, is annexed hereto.

Dated this                      day of                      189 .

(Signed)                      A. B.

**No. 41.**

## REVOCATION OF APPOINTMENT OF AGENT.

(See Section 48 of the Act.)

*Manor of*  
*in the County of*  
To C. D., of &c.

I, A. B., Lord of the above-mentioned Manor, do hereby  
revoke the appointment made by me of you as my agent to  
act for me in the execution of The Copyhold Act, 1894.

Dated this            day of            189 .  
(Signed)            A. B.

**No. 41a.**NOTICE TO BOARD OF AGRICULTURE OF REVOCATION OF  
APPOINTMENT OF AGENT.

(See Section 48, Sub-section 4, of the Act.)

*Manor of*  
*in the County of*  
To the Board of Agriculture.

I, A. B., of &c., Esquire, Lord of the above-mentioned  
Manor, do, pursuant to the provisions of The Copyhold  
Act, 1894, by this writing under my hand give notice to  
your Honourable Board that I have revoked and do hereby  
revoke the appointment made by me, by power of attorney  
under the said Act, of C. D., of &c., Gentleman, to be my  
attorney and agent to act for me in the execution of the  
said Act.

Dated this            day of            189 .  
(Signed)            A. B.

**No. 42.\*****DECLARATION AS TO LORD'S TITLE.**

(See Section 51 of the Act.)

*Manor of**in the County of*

I \_\_\_\_\_, of \_\_\_\_\_, the [Lord or Steward] in the County of \_\_\_\_\_, do solemnly declare as follows:—  
 That \_\_\_\_\_ [Lord] is [seized] *[here describe the nature and extent of the estate and interest of the Lord in the Manor, and the date and short particulars of the deed, will, or other instrument under which he claims or derives title; and if the Lord be not seized in fee, give the names, addresses, and descriptions in full of the acting trustees of the will or settlement under which the Manor is held; or state that there are no such Trustees]*; and that the said \_\_\_\_\_ is now and has for \_\_\_\_\_ years past been the acting Lord of the said Manor; and that the name and style of the Court Baron and Customary Court of the said Manor are "The General Court Baron and Customary Court of the Manor of \_\_\_\_\_, in the County of \_\_\_\_\_"; and that the last General Court Baron and Customary Court was held in and for the said Manor by \_\_\_\_\_ as Steward, in the name of the said \_\_\_\_\_ as Lord of the said Manor, on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_; and that the said Manor is subject to *[state here the nature and extent of the incumbrances, if any, which affect the Manor, or that there are no incumbrances]*.

And I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the provisions of The Statutory Declarations Act, 1835.

The said                      declared to the truth of the above Declaration at                      , in the said County of                      , the                      day of                      189                      ,

Before me,

NOTE.—This Declaration must be impressed with a 2s. 6d. stamp.

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### No. 43.

APPLICATION TO HAVE THE LORD'S TITLE INVESTIGATED.

(See Section 51 of the Act.)

*Manor of*  
*in the County of*

In the Matter of the Proposed Enfranchisement, under the provisions of The Copyhold Act, 1894, of lands held of the above-mentioned Manor by X. Y., of &c., as Tenant by Copy of Court Roll.

To the Board of Agriculture.

An application having been made to your Honourable Board by the Lord of the said Manor to effect an enfranchisement of the lands above referred to, I, the above-named X. Y., in accordance with the provisions of Section 51 of the above-mentioned Act, hereby make application to you to satisfy yourselves, in such manner as you may deem fit, of the title of the said Lord.

Dated this                      day of                      , 189                      .

(Signed)                      X. Y.

**No. 43a.\*****CERTIFICATE OF TITLE.**

(See Section 51 of the Act.)

*Manor of*

*in the County of*

The Board of Agriculture, in virtue of the powers vested in them by The Copyhold Act, 1894, do for the purpose of enfranchisement under the said Act, hereby certify that on the            day of            they approved of the title of            as Lord of the above Manor.

In Witness whereof the Board of Agriculture have hereunto set their official seal this            day of            ,  
189 .



**No. 44.**APPLICATION TO THE BOARD OF AGRICULTURE BY THE LORD OR  
TENANT FOR ASCERTAINMENT OF BOUNDARIES.

(See Section 52, Sub-section 3, of the Act.)

*Manor of**in the County of**X. Y.'s Enfranchisement.*

To the Board of Agriculture.

A doubt [*or difference of opinion*] having arisen as to the identity of the lands the subject of the above enfranchisement (and which are described in the Schedule hereto), I, being the lord [*or tenant*] requiring such enfranchisement, hereby beg to apply to the Board of Agriculture to ascertain and define, in accordance with the provisions in that behalf contained in The Copyhold Act, 1894, the boundaries of the said land for the purposes of the said enfranchisement.

Dated the            day of            189 .

Signed [*Lord or Tenant*].

THE SCHEDULE.

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**No. 46.**NOTICE OF INTENTION TO APPLY TO THE BOARD OF  
AGRICULTURE TO STATE A CASE.

(See Section 53, Sub-section 2 (b), of the Act.)

*Manor of**in the County of**X. Y.'s Enfranchisement.*To [*the other party to the Enfranchisement*].

I, \_\_\_\_\_, hereby give you notice that I intend to apply, pursuant to the provisions in that behalf contained in The Copyhold Act, 1894, to the Board of Agriculture to state a case to Her Majesty's High Court of Justice with reference to the decision given by them in the above-mentioned enfranchisement that [*state decision*].

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 189 .

Signed [*Lord or Tenant*].

**No. 46a.****APPLICATION TO THE BOARD OF AGRICULTURE TO STATE A  
CASE ON A MATTER OF LAW.**

(See Section 53, Sub-section 2 (a), of the Act.)

*Manor of*

*in the County of*

*X. Y.'s Enfranchisement.*

To the Board of Agriculture.

I, \_\_\_\_\_, of \_\_\_\_\_,  
being [*as lord or tenant*] party to the above enfranchisement,  
and being desirous of appealing from the decision of the Board  
to Her Majesty's High Court of Justice in England that  
[*state particulars of the decision*], hereby apply to the Board  
to state a case to the said High Court, with reference to the  
subject matter of such decision, in accordance with the  
provisions in that behalf contained in The Copyhold Act,  
1894.

Fourteen days' previous notice of this application has  
been given by me to [*the other party to the enfranchisement*],  
in pursuance of the provisions of the said Act.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 189 .

Signed [*Lord or Tenant*].

**No. 47.****APPLICATION TO THE BOARD OF AGRICULTURE TO CORRECT AN  
ERROR OR SUPPLY AN OMISSION IN AN INSTRUMENT (a).**

(See Section 60 of the Act.)

In the Matter of The Copyhold Act, 1894.

To the Board of Agriculture.

I [ ], being a person interested in  
[*an award, deed of enfranchisement, charge, or other instrument  
issued or having effect under the provisions of the above Act,  
giving particulars of the document*], apply to your Honourable  
Board, in pursuance of the provisions in that behalf con-  
tained in The Copyhold Act, 1894, to correct the error [*or  
supply the omission in award &c.*] set out below. A copy of  
this application has been forwarded to [*the other persons  
interested under the award &c.*].

Dated the            day of            189 .

(Signed)

[STATEMENT OF ERROR OR OMISSION.]

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(a) A copy of this application should be forwarded, with an intimation of its having been sent to the Board, to the other persons interested in the award &c.

**No. 48.****NOTICE OF DESIRE TO INSPECT AND OBTAIN COPIES OF THE  
COURT ROLLS AFTER AN ENFRANCHISEMENT.**

(See Section 62 of the Act.)

In the Matter of The Copyhold Act, 1894.

*Manor of*

*in the County of*

To the Steward of the said Manor.

In pursuance of the powers in that behalf contained in The Copyhold Act, 1894, I, \_\_\_\_\_, being a person interested in the [*describe the hereditaments*], formerly held of the above Manor, and which have been enfranchised under the said Act, do hereby give notice that I desire to inspect and obtain copies of and extracts from the Court Rolls of the said Manor, on the \_\_\_\_\_ day of \_\_\_\_\_, at [*time*], or on such other day and time, not being later than the \_\_\_\_\_ day of \_\_\_\_\_, as you may intimate to me in writing; and I hereby offer to pay such reasonable sum for such inspection or copies as may be agreed upon between us [*or as the Board of Agriculture has fixed (a)*].

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 189 .

(Signed)

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(a) The Board is empowered by Section 62 (2) to fix a scale of fees for inspection of and making extracts or copies from the Court Rolls.

**No. 49.****CONSENT OF A CORPORATION OR PATRON OF A LIVING  
TO A VOLUNTARY ENFRANCHISEMENT.**

(See Section 72 of the Act.)

We [or I], being [*state how the corporation or patron is interested in the land to be enfranchised*], do hereby testify our [or my] consent to the agreement for enfranchisement [*above or within written*] of the said lands.

Dated the            day of            , 189 .

(Signed)

**No. 50.****APPLICATION TO THE BOARD OF AGRICULTURE BY LORD, OR  
ONE FOURTH IN NUMBER OF THE COPYHOLDERS, FOR A  
LOCAL INQUIRY UNDER SECTION 79.**

(See Section 79, Sub-section 5, of the Act.)

*Manor of*  
*in the County of*

To the Board of Agriculture.

I, being Lord [or *We*, being one-fourth in number of the Copyholders for the time being on the Court Roll] of the said Manor, hereby request your Honourable Board, in virtue of the powers in that behalf contained in The Copyhold Act, 1894, to make a local inquiry for the purpose of ascertaining whether the Copyholders of the said Manor desire that an enfranchisement be effected throughout the Manor.

Dated the            day of            , 189 .

Signed [*Lord, or By or on behalf of  
the Copyholders*].

**No. 51.****NOTICE OF INTENTION BY OFFICER OF THE BOARD OF  
AGRICULTURE, VALUER, OR UMPIRE, TO ENTER ON LAND  
TO BE ENFRANCHISED.**

(See Section 92 of the Act.)

In the Matter of The Copyhold Act, 1894.

*Manor of*

*in the County of*

*X. Y.'s Enfranchisement.*

To [*the Occupier of the Land*].

I [or We], being [*state whether Officer of the Board, Umpire, or Valuer*], do hereby give you notice that, in pursuance of the powers in that behalf contained in The Copyhold Act, 1894, we shall enter upon the land and premises comprised in the above-mentioned enfranchisement, and now in your occupation, for the purpose of making all necessary measurements, plans, and valuations thereof, on the                      day of                      , at or about the hour of                      , or at such other convenient time, not being subsequent to the day of                      , as may be proposed to us by you, in writing, and delivered to us at [*address*] not later than the                      day of                      .

(Signed)



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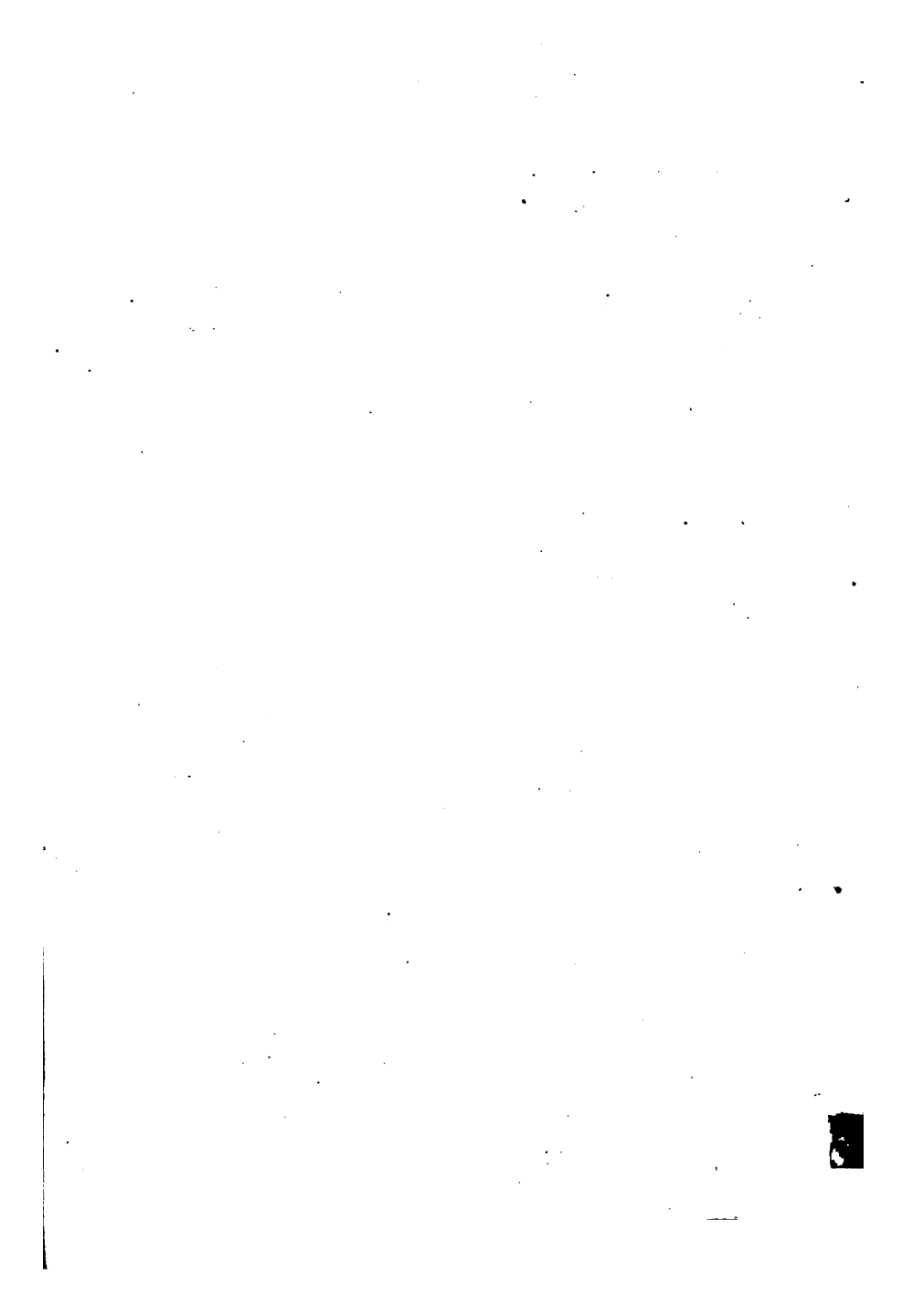
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